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THE ANGLO-VENEZUELAN BOUNDARY CONTROVERSY

The Monroe Doctrine resembles many other famous pronouncements that have come to embody the more or less indefinable policies of nations in that it seems to have won its way into the imaginations of the American people more because of the tendency of modern men to demand some coefficient, both to cover and to explain (hastily) a multitude of national activities, than because of its prime intention to warn an expanding Europe of the dangers of further extensions to the westward. The growth of the tendency among Americans to refer to this doctrine as an American pronouncement of American foreign policy has been the thesis of many an able historian. Yet, the examination of the state of affairs which led to the incidents that brought about the interpretations or reinterpretations of this famous declaration have been somewhat neglected. Among those incidents the Anglo-Venezuelan boundary controversy is prominent chiefly because this pronouncement by the United States seems to mark the close of a period of relative adolescence and the opening of a period of broader vision and greater eagerness to participate in the solution of world problems.

In 1895, Hispanic American boundary disputes were probably less novel than they are today, and today the matter of a South American boundary controversy occasions scarcely a ripple upon the varicolored surface of American affairs. What,

then, were the reasons for the making of such a common episode an occasion for American intervention? That question has been somewhat satisfactorily answered. But how the United States became involved in that controversy has not been made so clear.

The territory in dispute in this particular case lay between the river Essequibo and the Great Mouth of the Orinoco, the gateway to the inland provinces of the Venezuelan Republic. The prize that this territory contained was Point Barima, at times called the Dardanelles of the Orinoco, which commanded the gateway to the inland trade routes of all of northern South America. At first the land in dispute comprised, in the main, the coastal plain but later, with the discovery of gold in the hinterland, the more hilly portions of this section were also the subject of sharp controversy. Thus the prizes were neither trivial nor was their value in any way underestimated by either claimant.

In the main, this boundary controversy seems to fall into two rather distinct periods, the first—that from 1841-1876, in which Venezuela was attempting to settle the dispute without outside aid—and the second—from 1876-1896, when Venezuela was urging the United States either to use its good offices as an arbitrator or to make use of force to bring about a settlement.

To fully understand conditions in the second period it will be necessary to review, after a manner, some of the earlier history.

As early as 1848, the American press had mentioned that Great Britain had, in 1841, encroached upon Spanish Guiana to the extent of some twenty thousand square miles and had, since that time, laid claim to the whole province. It was at this time (1848) that Mr. Niles, a senator from Connecticut, brought the dispute to the attention of the United States senate as a warning against views that some of his colleagues held concerning the position of the United States in regard to European connections on this hemisphere.

This comment in the senate was apparently the earliest intimation that Venezuela was being deprived of important territory by an European power and seemed to forecast the stand that the United States would take should the apprehensions of Venezuela prove warranted.

Venezuela's claim to the territory in dispute was based upon the Spanish possession, in 1810, of the territory known as the captaincy-general of Venezuela and also upon the treaty of the thirtieth of March, 1845, in which Spain recognized both the independence of Venezuela and the latter's right to the territory as far east as the Essequibo River.

Great Britain's title to this region traced back to 1814 and the treaty of London in which the Netherlands ceded to Great Britain the districts of Berbice, Demarara, and Essequibo, now known as British Guiana. The treaty did not define a western boundary, nor is it evident that the Dutch had ever made any serious attempt either to hold or claim any territory west of the Morocco River, notably Point Barima, or the basin of the Barima River. It is true that the Dutch commander, Abraham Beekman, had advocated the establishment of an outpost at Point Barima in 1683, but the Dutch West India Company had never acted upon the suggestion. It is also true that the Dutch on the Essequibo recognized the importance of the Barima both for commercial and military purposes. Yet there is no record of any claim made to that territory.¹ Thus, as far as the records indicate, the British had no valid claims to the Dardanelles of the Orinoco, yet in 1835 when Robert Schomburgk, a surveyor and naturalist, who had made a study of South American history and geography and who had been commissioned by the British to ascer-

¹ It is also true that Commander Beekman built a small shelter-house at the Barima in 1683 in order to obtain annatto and letter wood from the Caribs, but with the fall in price of annatto wood the necessity of obtaining it from the natives disappeared and the post-holder was withdrawn, the shelter being allowed to fall into disrepair. The establishment of this small shelter-house does not seem to indicate that the Dutch laid claim to the Barima. See G. L. Burr, *Report as to the Territorial Rights of the Dutch West India Company*.

tain the western limits of British Guiana, made his survey he placed Point Barima within British territory. The line that he surveyed was marked at the Barima by the queen's initials and with posts and stones in the interior and has since that time been known as the Schomburgk line.

It was this act that had first aroused the apprehensions of Venezuela and had caused it in 1841 not only to protest, but to request of London, through Dr. A. Fortique, its minister, that the British eastern boundary be defined.² Dr. Fortique's instructions continued:

Although our rights extend to the Essequibo, we are anxious to remove all obstacles to a speedy adjustment and we are not disposed to insist upon our rights to that extent, it being manifest that England will not consent to surrender her establishments on the Pumeron and Morocco rivers. You may therefore direct the course of your negotiations accordingly, making gradual concessions until an agreement can be had on the following line, viz: The Morocco from its mouth to its headwaters in the Imatata mountains, thence southward along the ridge of these mountains to Tupuro creek, thence along the waters of the said creek to the Cuyuni River, thence along the northern bank of the Cuyuni to its confluence with the Essequibo, thence along the left bank of the Essequibo, to its confluence with the Rupuruni as a terminus.

Such a boundary as these instructions proposed would have left to the British their plantations on the Morocco and Pumeron rivers but would have given to Venezuela not only the watersheds of the Cuyuni and Mazaruni rivers, the two largest tributaries of the Essequibo, but also the entire western half of the Essequibo valley south of the Cuyuni.

To the protest of Dr. Fortique, Lord Aberdeen, then secretary of state for foreign affairs, replied that the line marked out by Schomburgk was in no way to be considered as final and that the marks would be removed if so desired by Venezuela, adding, however, that this did not imply that Great

² Fortique-Aberdeen, October 5, 1841, in *Report of the Venezuela Boundary Commission*, V. appendix 11, p. 203.

Britain had in any way relinquished its claims over the country in dispute.³ In addition, Dr. Fortique was told that the foreign office thought it best to await the report of the surveyors, which was due in a few weeks, before negotiations be begun to settle upon a definite line.

In 1844, negotiations were renewed by Dr. Fortique, who had been, up to this time, waiting for the report of the foreign office on the work of the surveyors. He proposed again that the Essequibo be considered the boundary.⁴

Lord Aberdeen, in replying to this proposal, said that the British were willing to relinquish their claim to the country around Point Barima and the western half of the Cuyuni Valley provided the Indian tribes should be protected and no part of the proposed cession of territory be ceded at any time to a foreign power.⁵ No reply having been made to this proposal, the British withdrew it in 1850 when it was proposed by the Venezuelan congress that Venezuela fortify the Barima as a precautionary measure against the seizure of that place by the British. It was for these reasons that the British chargé d'affaires at Caracas was instructed to inform the Venezuelan government

that whilst on the one hand Great Britain had no intention to occupy the disputed territory she would not, on the other hand, view with indifference aggressions on that territory by Venezuela.⁶

Venezuela in reply stated that it had no intention of occupying the disputed territory and promised that orders would be issued directing the authorities in Guiana to abstain from taking any steps contrary to this engagement.⁷

This constitutes what has been known as the agreement of 1850, to which the Venezuelans have frequently appealed, but which they have as frequently violated. The first violation

³ Aberdeen-Fortique, January 31, 1842, in *ibid.*, VII. 17.

⁴ Fortique-Aberdeen, January 31, 1844, in *ibid.*, VII. 19-26.

⁵ Aberdeen-Fortique, March 30, 1844, in *ibid.*, VII. 26.

⁶ Wilson-Lecuna, November 18, 1850, in *ibid.*, VII.

⁷ Lecuna-Wilson, December 20, 1850, in *ibid.*, VII.

occurred in 1858 when the town of Nueva Providencia was founded on the right bank of the Yuruari, all previous settlements having been made on the left. The British overlooked this breach since there was a gold rush in that region at that time and mining populations were hard to control. In the same year that Nueva Providencia was founded the governor of British Guiana went to Caracas to settle upon a boundary so as to control the lawlessness of the miners in that region. He reported that he found Venezuela in such a disturbed condition that it was impossible to do anything.⁸ This was the state of affairs until 1876 when Venezuela, becoming more settled, began again to take note of its eastern boundary.

Thus the first period of negotiations came to a close with Venezuela in the throes of civil war. This period is notable for the following events, first, the willingness of the British to concede Point Barima to the South American republic, and second, the discovery of gold in the Cuyuni Valley. The first marks a recession of British claims from those outlined by Schomburgk. The second will prove to nullify a part of those concessions. For Venezuela, the unhappy recurrence of that common Hispanic American malady, the revolution, lost for it the possibility of settling the controversy without outside aid. From 1876 on, the United States government was continually informed of conditions on the eastern frontiers of Venezuela.

It was in 1876, as has been said, that Venezuela again began to seek a settlement of its eastern boundary. The republic had been aroused to this, no doubt, by the violation of the agreement of 1850 by Great Britain, whose officers had invaded the disputed territory for the purpose of arresting one Thomas Garrette, a murderer and fugitive from justice. Yet at this time Venezuela was not blameless for it had granted concessions to the Manoa Company, a New York corporation, to trade and cut wood in the Barima. This constituted its second violation of the arrangement of 1850.

⁸ Woodhouse-Malmsbury, April 19, 1858, in *ibid.*, V. 269-270.

About this time large deposits of gold were found in the Cuyuni River Valley, and the discovery of these deposits seemed to spur Señor Calcaño, secretary of foreign affairs for the United States of Venezuela, to reiterate, in a note to the Earl of Derby, the claims of his country to the territory as far east as the Essequibo River, basing his claims on the Bull of Pope Alexander VI. (1493) and some obscure documents relating to Spanish possession.⁹ To this note the British replied that Governor Langdon, the governor of British Guiana, would shortly arrive in London and it would be easier to negotiate when a man was present who knew all the facts in the case. In addition to the expression of the desire to settle the boundary dispute, Señor Calcaño forwarded to Mr. Fish, secretary of state at Washington, a long memorandum reviewing the controversy and asking for the cognizance of the United States in the new steps now to be taken since Venezuela's former efforts had only met with "manifestations of annoyance". He then went on to ask that the United States give this subject due consideration and take an interest in having justice done Venezuela.¹⁰

This seems to be the first official complaint made by the Venezuelan government to the government of the United States. The statement made by Señor Calcaño that Venezuelan representations made at London had merely called forth "manifestations of annoyance" only seems to have been made to bring the United States into the controversy, there having been no such manifestations by the British government, which had at all times treated the claims of Venezuela with marked consideration, although Venezuela had from the first assumed an attitude of complete possession of the whole territory in dispute. Secretary Fish does not seem to have replied to this communication.

The next two years were spent in awaiting the arrival of

⁹ Calcaño-Derby, November 14, 1876, in *ibid.*, V. 286.

¹⁰ Calcaño-Fish, November 14, 1876, in Sen. Exec. Doc., 1st sess., 50th cong., II. no. 226, p. 4.

Governor Langdon. Finally, Dr. J. M. Rojas, the Venezuelan minister at London, came to the conclusion that the governor would never arrive, so he again addressed the British foreign office, emphasizing his country's right to the left bank of the Essequibo but adding that he was willing to lay out a boundary either by arguing the question according to strict historical right or by forming a boundary of accommodation, each side being willing to concede a little to the other.¹¹ Six months later, Lord Salisbury informed Dr. Rojas at Paris that the latter mode of settlement seemed most agreeable, but in answer to the proposal that the Essequibo be made the line of division he said that that would entail the surrender of some forty thousand British subjects and a country that had for two centuries been under the control of the Dutch and English. He then stated the extreme claims of Great Britain which he said included the entire watersheds of the Essequibo and Barima rivers.¹²

To this note the Venezuelan government replied, conceding to Great Britain the whole of the Essequibo and the eastern half of the Cuyuni valleys, bounding that territory by a line drawn due west from the mouth of the Morocco to the sixtieth meridian, then south along this meridian to the Takutu River. "If this line should not prove acceptable", Señor Rojas suggested,

the two governments had no other alternative but to determine upon a frontier by means of strict historical rights, or, should no other solution appear possible, arbitration or a boundary tribunal would have to be appealed to.¹³

These proposals sounded almost as if Venezuela would force Great Britain to one of these two means of settlement.

Granville, in his reply, did not mention arbitration but

¹¹ Rojas-Salisbury, May 17, 1879, in *Report of the Venezuelan Boundary Commission*, V. 293. Since Dr. Rojas had no instructions to propose the formation of a boundary of accommodation, he was recalled (see *ibid.*, p. 400).

¹² Salisbury-Rojas, January 10, 1880, in *ibid.*, V. 295.

¹³ Rojas-Granville, February 21, 1881, in *ibid.*, V. 298.

refused the line proposed by Señor Rojas on account of the nature of the country and the shelter such a line, crossing numerous rivers, would give to criminals.¹⁴ He then proposed the Schomburgk line, excepting the Barima, since that territory, called the Dardanelles of the Orinoco, was vital to the commerce of Venezuela.

From this time until 1883 nothing was heard from Venezuela, which had now turned its attentions to the United States, invoking this country in the name of the Monroe Doctrine to force England to cease its "squatting" on Venezuelan territory. To this end, Señor Camacho, minister to the United States, presented, on December 21, 1881, a note to Mr. Evarts asking, "that the United States do not view with indifference this trespassing on Venezuelan territory".¹⁵ The English had sent ships and materials to the Barima to erect a telegraph line for communicating with the Cuyuni gold fields.

Mr. Evarts replied in the following month that the United States viewed with deep concern all transactions tending to encroachments on American territory by a foreign power and Mr. Carter, the American minister to Venezuela, was instructed to communicate this fact to the Venezuelan government.

The Venezuelan president in his interview with Mr. Carter, after asserting Venezuela's rights to the territory in dispute, invoked again the aid of the United States in the name of the Monroe Doctrine.¹⁶

Replying to this petition Mr. Frelinghuysen, the secretary of state, instructed Mr. Baker, then the American minister at Caracas, to say:

If Venezuela should request it, we will propose to the government of Great Britain that the boundary question be submitted to the arbitra-

¹⁴ Granville-Rojas, September 15, 1881, in *ibid.*, V. p. 299.

¹⁵ Camacho-Evarts, December 21, 1881, in Sen. Exec. Doc., 1st sess., 50th cong., II. no. 226, p. 15.

¹⁶ Carter-Blaine, November 30, 1881, in *ibid.*, p. 15.

ment of a third power. Similar questions, to some of which Great Britain has been a party, have in several instances in late years been amicably and satisfactorily adjusted in that way.¹⁷

In reply the Venezuelan government forwarded papers and memoranda concerning the boundary question through Mr. Baker, who said:

As it is obviously proper that our Department of State should be the repository of all intelligence, respecting the principal international questions affecting the nations of our hemisphere, I cannot doubt that these documents will arrest its careful attention and find a proper and welcome place in its archives, viewed simply as information concerning one of these questions. In regard to your suggestion of arbitration you will see that the Venezuelan government contemplates proposing such arbitrament to the government of Great Britain.¹⁸

Now, since the United States suggested arbitration as a solution of the boundary question, Venezuela not only accepted it but in reply Señor Camacho said:

And for arbitration there is only one government which could propose it with real affect and decide the question of boundaries with satisfaction to Venezuela; the United States of America, and there is no man better qualified for the filling of such a position than your excellency.¹⁹

At the same time, Rafael Seijas, Venezuelan minister of foreign affairs informed the British government, which had been ignored for two years presumably in order to learn the real position of the United States, that since the constitution of Venezuela forbids emphatically the alienation of any territory, Venezuela could not arrive at a boundary of accommodation but that arbitration by an impartial tribunal could be accepted as a solution of the problem.²⁰

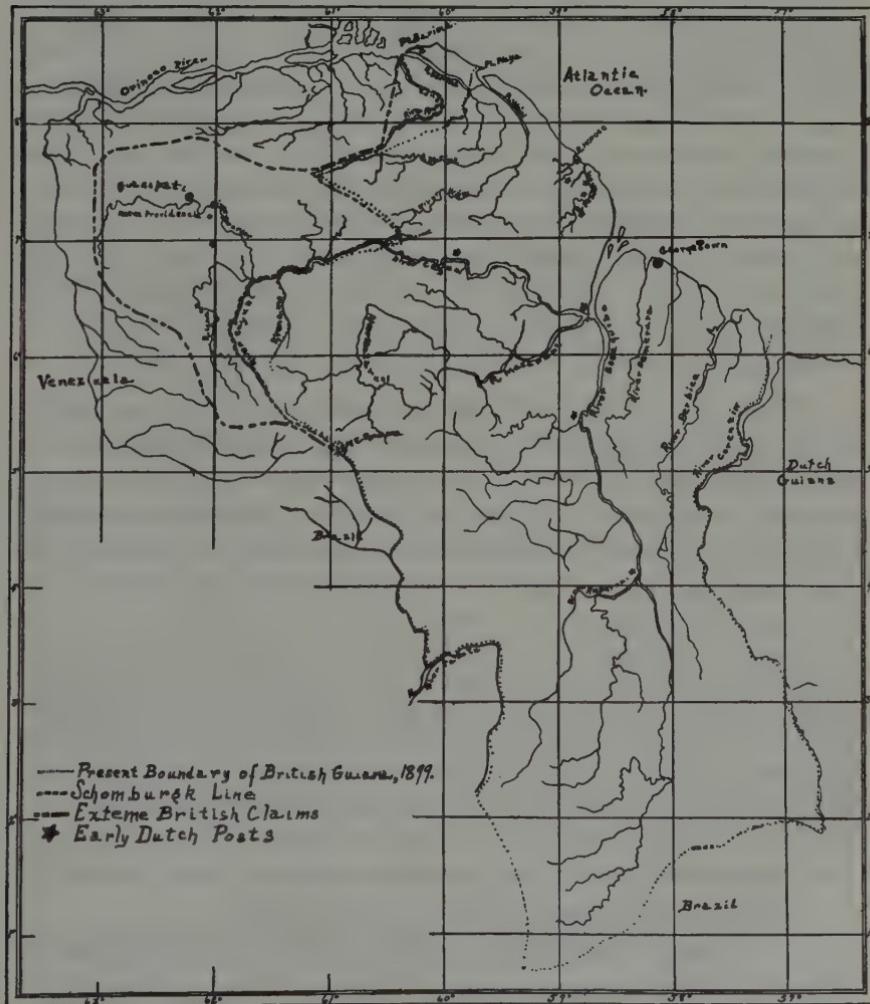
¹⁷ Frelinghuysen-Baker, July 15, 1882, in *ibid.*, p. 17.

¹⁸ Baker-Frelinghuysen, October 21, 1882, in *ibid.*, p. 18.

¹⁹ Camacho-Frelinghuysen, January 15, 1883, in *ibid.*, p. 40.

²⁰ Seijas-Mansfield, November 15, 1883, in *Report of the Venezuelan Boundary Commission*, V. 307.

This suggestion was declined by Great Britain on the grounds that the government of Venezuela would declare the award invalid for the same reason that it proposed arbitration, should the award favor the British. On the other hand, if the arbitrator should decide in favor of Venezuela, the British would lose a large and important territory that had been long held by them. It therefore seemed advisable to



Lord Granville that some other means be devised for settling the difficulty.²¹

Mr. Frelinghuysen, on the other hand, although he had recommended arbitration, when the United States was asked to be the arbitrator, proceeded to define his government's position more specifically saying:

This government has already expressed its view that arbitration is a convenient mode of settling such disputes, and it is felt that the tender of good offices would not be so profitable if the United States would approach Great Britain as the advocate of a prejudged solution in favor of Venezuela, therefore as far as we can counsel Venezuela, it is best to advise arbitration and offer our good offices in that direction; therefore while advocating strongly the course of arbitration for the adjustment of international disputes affecting the states of America, we do not seek to put ourselves forward as their arbitrator, but we will not refuse our arbitration if so desired by both parties and regarding such questions as essentially and distinctly American, the United States would always prefer to see such contentions adjusted through the arbitrament of an American rather than a European power.²²

During this same period Great Britain adhered tenaciously to the second proposal of Dr. Rojas, *i.e.*, to fix a boundary by mutual accommodation, and instructed its minister at Caracas, Colonel Mansfield, to press the question whenever possible. Colonel Mansfield's optimism was by no means so ruddy. At one time he asked that the negotiations be transferred to London and added:

Were this government really desirous to promote a settlement, the 118th article of their constitution permits reform of the same by Congress, but of course it is not to be expected that they will alter their constitution in order to effect what they would probably prefer leaving undone. Since 1830 Venezuela has had six constitutions and many more will doubtless be adopted. The only hope, therefore, is that some future constitution may be more favorable to us on this point.²³

²¹ Granville-Mansfield, February 29, 1884, in *ibid.*, V. 309.

²² Frelinghuysen-Baker, January 31, 1883, in Sen. Exec. Doc., 1st sess., 50th cong., no. 226, p. 42.

²³ Mansfield-Granville, April 18, 1884, in *Report of the Venezuela Boundary Commission*, V. 313.

Arbitration, since it was advised by the United States, was now the objective of the South American republic. Ex-president General Guzman Blanco, whose cherished ambition, as expressed by him, was to settle upon a definite eastern boundary for his native land, was now sent to London by way of Washington.

At Washington, the general was informed that the United States was always interested in anything that affected the independent life of any American republic and could not be indifferent to anything that might tend to impair their normal self-control. This did not mean that the United States was adverse to the cession of disputed territory to Great Britain but referred to the desire of Venezuela to exchange commercial advantages for a guarantee from England that the control of the Orinoco delta, the concession for the colonization of which had been given to a New York company, would always remain in the hands of the republic.²⁴ General Blanco was further advised not to advance such a proposition since so far Great Britain had shown no disposition to forego any material advantage in advance of its arising, and in respect to the boundary, the position of the United States was well known through the enunciation of the Monroe Doctrine, but formal action in applying that doctrine to a speculative case at present seemed inopportune and Venezuela was advised not to arouse a discussion of that point.²⁵

Mr. Lowell, the American representative at London, was advised of the coming of General Blanco and also of his interview at the state department. Mr. Lowell was also instructed to inform Great Britain that we were not without concern as to whatever may affect the interests of a sister republic of the American continent and its position in the family of nations. Furthermore, he was instructed to assist General Blanco in every way in accordance with these instructions.

²⁴ Mansfield-Granville, October 9, 1884, in *ibid.*, V. 317.

²⁵ Frelinghuysen-Lowell, July 7, 1884, in Sen. Exec. Doc., 1st. sess., 50th cong., no. 226, p. 47.

On his arrival in London, General Blanco set about his tasks of drawing up a commercial treaty and settling the boundary controversy. In dealing with the latter he proposed a commission of jurists or court of law the members of which should be chosen by the parties involved.²⁶ Some time later, on February 13, 1885, Lord Granville replied that the only means of effecting a settlement of the boundaries was that accepted by her Majesty's government in 1887, *i.e.*, a conventional boundary fixed by mutual concession, since the present proposal of the use of a court of law presented constitutional difficulties.²⁷

Having been discouraged in presenting the matter in this manner, General Blanco turned his attentions to the negotiating of a commercial treaty in the fifteenth article of which it was stipulated that in any question upon which the two parties could not agree there should be recourse to the arbitration of a third power or powers friendly to both.

Venezuela now began to hold that this treaty had solved the boundary question, but such was not the construction laid upon it by Lord Granville, the second party to it. He held that the article on arbitration was applicable only to questions arising in the future and steadfastly maintained in all his communications that the boundary question was to be settled only upon the terms laid down in 1887. Thus it would seem that the claims made at a later date that Granville had agreed to the arbitration of the boundary dispute were unfounded.²⁸

At the conclusion of the commercial treaty and prior to its ratification by the British government a change of ministry took place. Lord Salisbury, who succeeded Earl Granville in the foreign office, objected to the Blanco-Granville commercial treaty because of its wording and also refused to consider the arbitration clause as retroactive.²⁹

²⁶ Blanco-Pauncefote, October 25, 1884, in *Report of the Venezuelan Boundary Commission*, VII. 81.

²⁷ Granville-Blanco, February 13, 1885, in *ibid.*, VII. 85.

²⁸ Article XV, in *ibid.*, V. 34. Negotiations began April 6, 1885 by Guzman Blanco.

²⁹ Salisbury-Blanco, July 27, 1885, in *ibid.*, V. 351.

In consequence of these objections General Blanco was unable to proceed further until 1886, when Lord Rosebery on coming into office proposed the cession of the Barima to Venezuela but added that from the eighth parallel of latitude south the boundary should be that marked out by Schomburgk.³⁰ Rosebery also manifested his willingness to arrive at a settlement by means of a joint commission or a tribunal of arbitration on the basis of an equal division of the disputed territory, due regard being given to natural boundaries.

This proposal was refused by Blanco on the ground that it did not mean full arbitration of all the territory in dispute and therefore, as far as the Venezuelan constitution was concerned, was unconstitutional. Then, in spite of the seeming anxiety of Lord Rosebery to finally settle the question, he left for his native land to assume the office of president, leaving with the British foreign office a long communication, describing his country's efforts, enumerating the violations of the arrangement of 1850, as these had been numerous and flagrant since the discovery of gold in the Cuyuni, and demanding that Great Britain put an end to them.³¹

General Blanco, when he arrived in Caracas, was, however, faced with further complications of the boundary issue, for the British, in order to offset the activities of the Manoa Company, had sent police officers into the Barima to stop that company from erecting a sawmill. These officers collided with those of the Manoa Company and arrested one, Wells, a Venezuelan commissary officer, and took him to Georgetown for trial, charging him with hanging natives by their ankles. The Venezuelan authorities immediately protested against this action of the British and on the arrival of President Blanco, declared their intention not only of investigating the trespassing on Venezuelan territory in direct opposition to the agreement of 1850, but also of the fulfilling of a request, made

³⁰ Rosebery-St. John, June 7, 1886, in *ibid.*, V. 356; also, Rosebery-St. John, memorandum, July 20, 1886, in *ibid.*, p. 356.

³¹ Blanco-Rosebery, July 28, 1886, in *ibid.*, V. 257.

in 1836 by Sir Robert Porter, the British consul at Caracas, that a beacon be set up on Point Barima. The consul, however, had taken this action without instruction, so the British now disavowed his acts and sent warships to the Orinoco to see to it that there were no infringements upon British rights. Her Majesty's government consented, however, that a lighthouse be erected provided it did not impair British claims to the territory.³²

To the British proposal that the Venezuelans build a lighthouse at Point Barima without impairing British claims, President Blanco replied that if the British did not evacuate the Barima before February 20 and submit the boundary question to the arbitration of a third party, he would immediately sever diplomatic relations, for although Venezuela was formerly weak, she was now strong (owing to Mexico), implying, according to St. John, the English minister at Caracas, that if Great Britain meant coercion, like France in Mexico under the Empire, then the United States would intervene.³³

During this period, the Venezuelan minister at Washington did not fail to inform the United States of these "unprovoked" encroachments upon the territory of his country. In answer to this information the United States repeatedly offered its good offices and counsel. Moreover, in answer to the request that the United States act as arbitrator, Secretary Bayard said that we would gladly act as such provided we were solicited by both parties concurrently. Later, when news arrived of the Venezuelan demands upon Great Britain, Mr. Phelps, at London, was instructed to tender the good offices of the United States to promote an amicable settlement and to say further:

As proof of the impartiality with which we view the question, we offer our arbitration. We do this with the least hesitancy as the dispute turns upon simple and readily ascertainable historical facts. Her Majesty's government will readily understand that this attitude of

³² Iddesleigh-St. John, January 12, 1887, in *ibid.*, V. 378.

³³ St. John-Iddesleigh, October 20, 1886, in *ibid.*, V. 372.

friendly neutrality touching the merits of the controversy is entirely consistent with the responsibility that rests upon the United States in relation to the South American republics. The doctrines which we have announced two generations ago have lost none of their force or importance in the progress of time, and the governments of Great Britain and the United States are equally interested in conserving a status, the wisdom of which has been demonstrated by the experience of more than a half a century. It is proper, therefore, that you should convey to the British government, in such sufficiently guarded terms as your discretion may dictate, the satisfaction that would be felt by the government of the United States in perceiving that its wishes in this regard were permitted to have influence with Her Majesty's government.³⁴

This offer was refused by Lord Salisbury because of the attitude taken by President Blanco in threatening to break off diplomatic relations and also he (Salisbury) had refused the mediation of another power—meaning Spain. No other reasons were given but it seems evident from the instructions sent the governor of British Guiana and the way in which the British representative at Caracas was instructed that the British, and especially Rosebery and Salisbury though they were intent upon the solution of the question, were determined that Britain should have the lion's share of the new gold fields. Indeed, this seems more than evident both from the warnings printed in the London *Gazette* and the notices posted over the entire disputed area by the British.³⁵

Matters now began to move quickly at Caracas. Great Britain refused to yield to the threats of Gúzman Blanco, who by this time had clearly lost all patience and being somewhat hot tempered by nature had allowed his temerity to get the best of him, doubtless because of the illusion that he seemed to labor under, that the United States would protect

³⁴ Bayard-Phelps, December 30, 1886, in Sen. Exec. Doc., 1st sess., 50th cong., no. 226, p. 67.

³⁵ The London *Gazette*, October 22, 1886; Notice from the Colonial Office, October 21, 1886; Blanco-Rosebery, July 28, 1886, in *Report of the Venezuela Boundary Commission*, V. 357.

his country, as it had Mexico, no matter what the issue was. Mr. St. John, the British minister, on reporting these incidents to his government, was instructed to ask for his passports, which he did, and proceeded to La Guayra, where three British warships were placed at his disposal. He then asked the Venezuelan minister of foreign affairs whether, notwithstanding the expression "break off", which had been used in all previous notes, the term "suspend" was really the one implied. Mr. Burton, the chargé d'affaires, received from the foreign minister the most positive verbal assurances that the term suspend was the expression to be used.³⁶ This assurance is, however, all the more surprising since previous to this the British minister had been informed that any refusal of the proposals advanced would be treated as a *casus belli*.

Venezuela now applied to the United States for aid to force the usurper from its soil, saying:

If the Great Republic cannot now protect Venezuela indirectly through arbitration or mediation and cannot abandon her without compromising the future fate of the continent, the occasion has arrived for making the occasion hers and of asking for the disoccupation of the territory and of the submission of the dispute to arbitration, as has been desired, after affairs have been brought to the state they were in before such acts of spoliation took place.³⁷

In still another communication Señor Olavara, the Venezuelan minister at Washington, in transferring all the correspondence that had, up to that time, taken place between his government and Great Britain said:

That although up to this time Venezuela had conducted the negotiations with the idea of asking the United States to act as arbitrator, she now gave up that hope and begged in the name of the immortal Monroe, that the United States be pleased to instruct its representative at London to insist upon the necessity of submitting the boundary question between Venezuela and Great Britain to arbitration.³⁸

³⁶ St. John-Salisbury, February 28, 1887, in *ibid.*, V. 400.

³⁷ Scott-Bayard, March 29, 1887, in Sen. Exec. Doc., 1st sess., 50th cong., no. 226, p. 93, enclosure 1.

³⁸ Olavara-Bayard, May 4, 1887, in *ibid.*, p. 95.

A little later the action of the British government in representing the detention of the British schooners, *Henrietta* and *Josephine*, in the Orinoco caused the Venezuelan government again to entreat the United States to intervene and to request, in addition, that an American squadron be sent at once to the Venezuelan coast in order that it might be established, once and forever, that without the consent of North America no usurpation whatsoever is possible upon this continent.³⁹

These entreaties, although they met with courtesy on the part of the United States, were not acted upon but sent as information to the American minister at London.

The relations between Venezuela and Great Britain now began to become more strained and the Venezuelan representations to the United States took on a stronger tone. At Caracas the minister of foreign affairs began habitually to take every little trouble to the American legation to get the advice of our representative.⁴⁰ To make matters worse the British refused to acquiesce in the matter of extending a Venezuelan railroad into the Guacipati gold fields.⁴¹ This refusal was indignantly resented by Venezuela, which in a note to Secretary Bayard made the surprising statement that at no time had Great Britain laid claim to this territory and that, therefore, its claims were being extended. Therefore, it was requested that in view of such shameless intentions of the British, the United States ought to find it necessary and opportune to put an end to so great abuse.⁴²

Acting, then, upon the assumption that Great Britain was actually increasing its claims, Mr. Bayard instructed Mr. Phelps at London to say to the British government that it would afford great gratification to this country to see the Venezuelan boundary dispute amicably and honorably settled

³⁹ Olavarra-Bayard, September 27, 1887, in *ibid.*, p. 194.

⁴⁰ Scott-Bayard, November 4, 1887, in *ibid.*, p. 193.

⁴¹ London *Financier*, January 24, 1888.

⁴² Olavarra-Bayard, February 15, 1888, in Sen. Exec. Doc., 1st sess., 50th cong., no. 226, p. 201.

by arbitration or otherwise and to express readiness to do anything we properly can to assist to that end, saying further:

In the course of your conversation you may refer to the London Financier and express your apprehension lest the widening pretensions of the British government in that quarter,—to possess territory over which Venezuelan jurisdiction had never been disputed,—may not diminish the chances for a practical settlement. If, indeed, it should appear that there is no fixed limit to British claims, our good disposition to aid in a settlement might not only be defeated but also give way to a feeling of grave concern.⁴³

There seems to have been no answer to this communication. Meanwhile, the Venezuelan minister continued to press his entreaties, calling the British advance an invasion and in conclusion saying:

It occurs to me to respectfully suggest to your excellency that the opportunity has come for the United States, in view of the recent occurrences, to regard the question from a point of view which will allow of a speedy and definitive settlement through the means of its effective intervention.⁴⁴

Now, at last, it seemed to Venezuela, the Americans were about to come to its aid. They seemed interested in the British advance and the American public had been informed of the Venezuelan situation. Yet, although congress took the opportunity to bluster a little and to call for all the correspondence relating to the controversy, it occurred to no one that the question of a South American boundary could, to any serious extent, affect American interests.

Thus the outcome of the rupture in diplomatic relations was no more fertile of tangible results than the mission of Gúzman Blanco. Venezuela now considered the expedient of a special agent. To this end Modesto Urbaneja was dispatched to London and again presented his country's arguments for a definite settlement to the Marquis of Salisbury.⁴⁵

⁴³ Bayard-Phelps, February 17, 1888, in *ibid.*, p. 204.

⁴⁴ Olavara-Bayard, February 20, 1888, in *ibid.*, p. 206.

⁴⁵ Urbaneja-Salisbury, January 10, 1890, in *Report of the Venezuela Boundary Commission*, V. 409.

Lord Salisbury informed the special agent that now the Venezuelan government must consider the territory east of the Schomburgk a part of British Guiana, if it wished to treat at all, since that territory contained British subjects to such a number that it would be impossible to subject them to a change of sovereignty through arbitration. Yet, he said, if that condition was accepted, he would consent to the arbitration of the territory west of that line.⁴⁶

Venezuela rejected this proposal and once more turned to the United States for aid, declaring that the British had now laid claim to territory never before doubted as being under the rule of Venezuela, and therefore the United States should, in behalf of American interests which it has defined in a document which now forms part of its common law, settle this controversy by means made use of by all civilized nations for the settlement of such questions.⁴⁷

This note, supplemented by the zealous appeals of the American minister at Caracas to his own government describing the British as now taking under their control territory never before claimed by them, moved Secretary Blaine, on May 1, 1890, to instruct Mr. Lincoln, the American ambassador at London, to suggest to Lord Salisbury that the time was propitious for the resumption of diplomatic intercourse in order to settle the Venezuelan boundary dispute by international arbitration or otherwise. In addition, Mr. Lincoln was instructed to propose a conference of representatives of the three powers to be held either at Washington or London.⁴⁸

The suggestion of a conference was eagerly acted upon by Venezuela.⁴⁹ Lord Salisbury, however, stated that arbitration had been offered Venezuela to determine the possession of certain territory and, furthermore, in view of the fact that

⁴⁶ Pro Memoria, Salisbury-Urbaneja, February 10, 1890, in *ibid.*, V. 410.

⁴⁷ Perza-Blaine, February 17, 1889, in *Foreign Relations*, 1890, p. 782. Saruzzo-Blaine, December 21, 1889, March 6, April 25, May 3, June 7, 1890, in *ibid.*, 1890, p. 337.

⁴⁸ Lincoln-Salisbury, May 5, 1890, in *ibid.*, 1890, p. 338.

⁴⁹ Perza-Blaine, May 5, 1890, in *ibid.*, 1890, p. 785.

diplomatic relations had been severed by Venezuela in such a manner as to cause the British a great deal of inconvenience, it was impossible to accept the invitation to a conference.⁵⁰

The mission of the first special envoy having failed, a second confidential agent was sent who presented a memorial to Lord Rosebery, then in charge of foreign affairs, asking that the boundary dispute be settled by arbitration should it be impossible to come to an agreement by any other means.⁵¹

To this proposal the Earl of Rosebery replied that her Majesty's government was willing to arbitrate all claims lying west of the line laid down by Lord Salisbury in 1890 but that his government would not proceed to arbitrate the territory to the eastward of that line, since it was considered indisputably British.⁵²

The special agent could do no more than reject such an offer and in doing so he framed and presented an official protest to the British government.

The third attempt at settlement having failed, the attention of the United States was again drawn to the lawless usurpation of a weaker nation's territory. To this end Dr. Lobo, the Venezuelan minister at Washington, presented Mr. Gresham with a memorandum relating to the boundary question and the British negotiations.⁵³ About the same time the American minister at Caracas was interviewed by the Venezuelan foreign secretary who expressed to him the opinion that it would be beneficial to the general interests of the United States to take some steps in the matter.⁵⁴ Then, four months later, a second memorandum was presented to the secretary of state which reviewed the efforts which Venezuela had made in attempting to comply with the suggestions of the United States concerning the arbitration of the boundary dis-

⁵⁰ Salisbury-Lincoln, May 26, 1890, in *ibid.*, 1890, p. 340.

⁵¹ Michelena-Rosebery, May 26, 1893, in *Report of the Venezuela Boundary Commission*, V. 430.

⁵² Rosebery-Michelena, July 3, 1893, in *ibid.*, V. 432. Inclosure in No. 227.

⁵³ Lobo-Gresham, October 26, 1893, in *Foreign Relations*, 1894, p. 803.

⁵⁴ Partrige-Gresham, November 15, 1893, in *ibid.*, 1894, p. 805.

pute. In addition, the note pointed out the continuous refusal of Great Britain to act upon those same suggestions. The memorandum closed with a fervent appeal to the United States to procure for Venezuela the final acceptance by England of the civilized recourse proposed by Venezuela for the honorable settlement of the question. In appealing to the Monroe Doctrine, Señor Andradé said:

The American nation has asserted as a principle, in which it considers its own rights involved, that the free nations of the American continent are not subject to colonization by a European power and the government of the undersigned entertains the hope that in the aforesaid declaration and in the judicial guardianship of international law, which, to a certain extent, the United States assumed in the same continent by virtue of that declaration and which it has actually exercised hitherto, the government will find sufficient reasons of political convenience and even of moral obligation, perhaps, to allow them to adopt such a tone in their new representations as may convince Great Britain, without affecting her inviolableness, nor that of anything lawfully pertaining to her, of the necessity of granting to Venezuela what Venezuela has an undeniable right to demand of her.⁵⁵

In this memorandum there is not mentioned, at any time, the extreme claim made by Lord Aberdeen in 1841, but on the other hand, the communication seems to take advantage of every opportunity to convey the idea that there was no such claim, and in addition, that the British, through Lord Granville, had agreed to the arbitration of the territory then in dispute. The first was an absolutely false portrayal of the British claims and the latter was a most erroneous statement of fact, since Granville had expressly stated that the boundary question must be settled by the method of accommodation to which Great Britain had agreed in 1877.

Thus, without mentioning the extreme claims made by Lord Aberdeen in 1841, the Venezuelans represented the British as steadily encroaching upon bona fide Venezuelan territory. This was absolutely false, for in every line projected

⁵⁵ Andradé-Gresham, March 31, 1894, in *ibid.*, 1894, p. 810.

by the British, it was expressly stipulated that the line did not embrace their extreme claims to the entire watersheds of the Essequibo and Barima rivers. Yet, owing to the fact that a large mining population had moved into this territory, there certainly was some foundation for the British desire for law and order. Since the population was mainly British, the colonial authorities undertook that mission. Further, since the British government had been ceded this territory by the Dutch, who had had posts along the Cuyuni almost to its source, they now refused to call "disputed territory" that which was settled by them.

Yet, acting in good faith upon the representations of Señor Andradé, Mr. Gresham instructed Mr. Bayard, at London, to say to that government that the president was inspired by a desire for a peacable and honorable adjustment of the present difficulties between an American state and a powerful transatlantic nation and would be glad to see diplomatic relations reestablished in order to promote that end. Therefore, the United States would gladly do what it could to further a settlement of the difficulties by means of friendly arbitration.⁵⁶ Then, in December of the same year, Mr. Gresham advised the Venezuelans to renew diplomatic relations. In addition, he reminded them of President Cleveland's reference to the dispute in which the President had informed congress that he would renew efforts, heretofore made, to bring about a restoration of diplomatic relations and to induce reference to arbitration.⁵⁷

At this time the new activities of the British to build a railroad into the Cuyuni gold fields, although they had objected to such an enterprise when the Venezuelans projected it, caused Señor Andradé again to press for American aid, saying:

England's control over the mouth of the Orinoco will cause a permanent danger throughout a large part of the New World, will effectively

⁵⁶ Gresham-Bayard, July 13, 1894, in *ibid.*, 1894, p. 250.

⁵⁷ Gresham-Andradé, December 8, 1894, in *ibid.*, 1894, p. 840.

destroy the celebrated and beneficent Monroe Doctrine, and will perpetrate measures of usurpation which may in the future, in the case of certain American countries, render illusory their political existence as free and independent states.⁵⁸

President Cleveland's reference to this controversy brought the question at once to the notice of the press. Yet there was no alarm for all seemed to hold to the idea, as in 1888, that the question did not affect American interests. The *Review of Reviews* advocated the appointment of an international commission to determine the true boundary, but further than that neither newspapers nor periodicals pondered upon the question.⁵⁹ When congress, however, on the twentieth of February, resolved that both parties to the dispute consider the recommendations of the president and again, in the summer, as a result of the speeches of Senator Lodge, Mr. Boutwell, and Mr. Daly, which emphasized the fact that England was wantonly disregarding the rights of an American nation too weak to offer effectual opposition, and that the United States had announced the Monroe Doctrine as a warning to such encroachments, the press was quick to respond with the result that the public opinion of the country took on a decidedly anti-British tone.⁶⁰

At first, English public opinion was not much impressed by the Yankee bluster across the seas, although members of parliament displayed an air of concern in the questions put to the government. What seems to have later aroused the English public to the true state of feeling in America were the articles of one, G. W. Smally, formerly a correspondent for the New York *Tribune* and now writing for the London *Times*.⁶¹

⁵⁸ Andradé-Gresham, December 19, 1894, in *ibid.*, 1894, p. 841.

⁵⁹ "A mysterious growth of territory," in *Review of Reviews*, X. January, 1895.

⁶⁰ Gresham-Pulido, April 15, 1895, in *Foreign Relations*, 1895, II. 1481; Speech of Sen. H. C. Lodge, *Review of Reviews*, July, 1895, p. 80.

⁶¹ *Parliamentary Debates*, Series 4, nos. 38-48; *Review of Reviews*, November 1895, p. 520.

Further extensions of British authority now provoked more vigorous appeals to the state department in which Venezuela, in addition to asking for aid, stated that it would not restore diplomatic relations with Great Britain until assured by the United States that the ensuing negotiations would result in a settlement of the boundary question.⁶² This information, together with the rumor that Great Britain was exceedingly hostile to Venezuela because of certain acts committed by Venezuelan police in the disputed area, caused Mr. Olney on July 20, 1895, to ask Great Britain to arbitrate the question. In this note Mr. Olney first detailed the efforts made by the United States and Venezuela to attain that end. He next thoroughly explained the Monroe Doctrine, mentioning it by name and demonstrating American interest in the controversy because of its relation to this doctrine. Then from the grounds established in this manner and on American initiative he asked Great Britain to refer the entire territorial dispute to a board of arbitration.

Mr. Olney, after reviewing the history of the controversy, said:

The accuracy of the foregoing statements cannot be challenged. It shows that status to be such that those charged with the interests of the United States are forced to determine exactly what those interests are and what course of action they require. It compels them to decide to what extent, if any, the United States may and should intervene in a controversy primarily involving only Great Britain and Venezuela and to decide how far it is bound to see that the integrity of the Venezuelan territory is not impaired by the pretensions of its powerful opponent but although it cannot say who is right or wrong, it can demand the truth. Being entitled to resist any sequestration of Venezuelan territory by Great Britain, it is then entitled to know if such sequestration is going on. It being clear that the United States may insist upon the merits of the question being determined, it is equally clear that there is but one mode of determining them, viz., Peaceful Arbitration, since any other method proposed by Great Britain, who has laid down a line beyond which she considered the territory indis-

⁶² Pulido-Andradé, April 17, 1895, in *Foreign Relations*, 1895, p. 1482.

putably British, in effect deprives Venezuela of her free agency and puts her under virtual duress. Therefore, the territory acquired by reason of it will be as much wrested from her as if occupied by British troops or covered by British fleets. It seems, therefore, quite impossible that this position of Great Britain should be assented to by the United States, or that, if such a position be adhered to with the result of enlarging the bounds of British Guiana, it should not be regarded as amounting in substance to an invasion and conquest of Venezuelan territory.

Therefore, he said that the United States considered it its unmistakable duty to warn Great Britain not to refuse an investigation of the alleged sequestration of territory, since if there was any such sequestration, it would be injurious and oppressive to the people of the United States and would ignore an established policy with which the honor and welfare of this country are closely identified. He then asked for a definite reply concerning the willingness of Great Britain to arbitrate, concluding as follows:

If the President shall be disappointed in the hope that the question shall be settled by arbitration, a result, however, not to be anticipated and in his judgment calculated to greatly embarrass the future relations between this country and Great Britain, it is his wish to be made acquainted with the fact at such an early date as will enable him to lay the matter before Congress in his next annual message.⁶³

Lord Salisbury, in his reply, first reviewed the history of the case and then denied the application of the Monroe Doctrine to it. He confirmed the willingness of Great Britain to arbitrate the territory west of the Schomburgk line but held that the country east of it, since it contained some forty thousand British subjects, could not be subjected to arbitration because it would subject to a government, disorderly and unstable, British subjects who were accustomed to the orderly rule of a British colonial government.⁶⁴

⁶³ Olney-Bayard, July 20, 1895, in *ibid.*, 1895, p. 545.

⁶⁴ Salisbury-Olney, November 19, 1895, in *ibid.*, 1895, p. 563.

This reply was not considered satisfactory and therefore the president turned to congress and in a special message, dated December seventeen, asked for power to appoint a commission of investigation to ascertain the facts in the case, promising that if Great Britain were shown to be the aggressor, the United States would take those steps which national honor and self-respect dictate. The president reiterated his belief that the Monroe Doctrine was essential to the integrity and prosperity of the American nation and held that if an European power should attempt to extend the boundaries of a colony upon this continent, that would be just as much a violation of that doctrine as the actual subjugation of an independent nation.⁶⁵

The request of the president for a commission was granted unanimously and Great Britain and Venezuela willingly supplied it with all the necessary documents and materials for a careful study.

While this commission was engaged in determining the rights of both parties, Lord Salisbury, taking advantage of an agitation for a general arbitration treaty between the United States and Great Britain, suggested that a commission of four be appointed by the United States and Great Britain to determine the true boundary and that its decisions be binding by a vote of three to one, each party having two representatives.⁶⁶ The boundary thus being determined would be laid before a tribunal of arbitration, consisting of representatives of both Venezuela and Great Britain, who should decide the individual rights in the case but who must in all cases exclude English or Venezuelan settlers from the danger of having their holdings transferred.⁶⁷

Mr. Olney held that this plan would not settle the question, first, because a three to one decision might engender more hard feelings than it would allay, and secondly, because the

⁶⁵ *Ibid.*, 1895, p. 543.

⁶⁶ Salisbury-Bayard, May 30, 1896, in *ibid.*, 1896, p. 244.

⁶⁷ Salisbury-Pauncefote, May 22, 1896, in *ibid.*, p. 247.

plan was too involved. He therefore proposed that it be made a rule of arbitration that all adverse holdings of more than sixty years be considered a valid title and that this and other necessary rules be embodied in a treaty of arbitration between the two contestants.⁶⁸

Acting upon this lead a treaty was drawn containing the following rules of procedure:

1. Adverse holding or prescription for a period of fifty years shall make good a title. The arbitrators may deem exclusive political control of a district as well as actual settlement therefor sufficient to constitute adverse holding or to make title by prescription.
2. The arbitrators may recognize and give effect to rights and claims resting on any other ground valid according to international law.
3. If territory, occupied by one party at the date of this treaty, is found to belong to the other party, such effect shall be given to such occupation as reason, justice and the principles of international law and the equities of the case shall require.⁶⁹

In addition, the treaty provided for a tribunal of five, two to be selected by the British supreme court of justice, one by the supreme court of the United States, and one by Venezuela, the fifth to be selected by the four and in event of their disagreement by the king of Norway and Sweden.⁷⁰

This treaty was ratified at once and the boundary commission, being of no further use, was disbanded.

The tribunal of arbitration met in Paris in January, 1899, and rendered a decision on October third of that year. The award justified in a marked manner the contentions of the British, for the boundary was run in a southerly direction from Point Playa, on the western side of the mouth of the river Waini, and in the interior followed very closely west of this line, giving it control of the great mouth of the Orinoco and the western half of the Cuyuni gold fields.

⁶⁸ Olney-Pauncefote, June 12, 1896, in *ibid.*, 1896, p. 246.

⁶⁹ Pauncefote-Andrade Treaty, February 2, 1897, in *ibid.*, 1896, p. 254, Art. IV.

⁷⁰ *Ibid.*, Article 11.

Thus ended a controversy in which, according to Herbert Krause, the United States had won a great diplomatic victory by emphasizing the fact that the Monroe Doctrine was not a policy of the past. Europe, in general, looked upon this step as the actual taking into protection and possible annexation by the United States of the whole of Hispanic America.⁷¹ Doubtless those critics suspected the United States of the same ambitions as the European powers whose designs culminated in the parceling out of Africa and Asia.

In America, the importance of this new interpretation was not immediately perceived. Mr. Olney was credited with the formulation of an "Olney Doctrine", much to be praised for its novelty and espousal of American interests. The fact that he only emphasized a policy outlined by Bayard in 1888, when he stated that the United States would always prefer to see such disputes adjusted by arbitration, seems to have escaped public notice, probably because of the meaning that Mr. Olney attached to the word colonization and the large field that such an interpretation would open to American influence. Yet Mr. Olney in his public declaration of this policy and his threat of congressional action undoubtedly contributed much to American prestige, but that he foresaw the future land-grabbing tendencies of Europe is very doubtful.⁷² The Cleveland administration had been accused of a negative foreign policy and it seems probable that it was due to this and not to farsightedness that Mr. Olney prepared to show Americans that even though President Cleveland did not wish to annex Hawaii, he was alive to what was going on in the world.

Then again fate seemed to play into our hands for the diplomatic isolation of Great Britain, which was anticipating trouble in the Transvaal, was a factor by no means to be overlooked. That this was the case seems to be evident, since at no time had the United States inquired into the claims of the

⁷¹ Petin, *La Doctrine de Monroe*; Beaumarchais, *La Doctrine de Monroe*; Krause, *Die Monroe Doctrine*.

⁷² Olney-Bayard, July 20, 1895, in *Foreign Relations*, 1895, p. 558.

British, nor did Great Britain at any time give an exhaustive account of those claims, probably deeming such action imprudent when dealing with a petty, blustering, and presumptive South American state. When Mr. Olney, however, became acquainted with the true state of affairs, he not only accepted the adverse holding clause but proceeded in the most amicable manner to settle upon a final arbitration treaty, the rules of which met every objection that the British had ever put forward, even to mentioning the fact that wherever it was possible, the subjects of either country should, as far as justice and the laws of nations required, be allotted to that country to which they owed allegiance.

That the British claims were given weighty consideration seems to be confirmed by the award.

When we come, however, to consider the Venezuelan side of the question, it seems clearly evident that Venezuela invoked the aid of the United States purely for material purposes. At no time did Venezuela state the real situation but continually misrepresented the facts in the case to the department of state which dealt with the matter in the only possible manner until the growing discontent regarding the handling of our foreign relations forced Mr. Olney either to twist the lion's tail or to allow his administration to suffer further attacks by Senator Lodge and others who desired greater American activity in foreign affairs.

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⁷¹ In the above paper, I am indebted to Professor J. H. Latané of Johns Hopkins University and to Professor C. A. Duniway of Carleton College for valuable criticisms and suggestions.

DIPLOMATIC RELATIONS OF THE UNITED STATES AND VENEZUELA, 1880-1915

If one were compelled to state the keynote of the diplomatic relations between the United States and Venezuela, no better word could express it than "arbitration". This term is perhaps applicable to all the recent relations of the United States with the Hispanic American republics, as the Pan-American conference of 1890¹ recommended that international arbitration be adopted as "a principle of American public law" and made compulsory in all cases except only in controversies involving national independence. Regardless of its applicability to other countries, arbitration as a means of settling international disputes has worked its best in the relations of the United States with Venezuela. If the practicability of the Monroe Doctrine was clouded in our contact with other countries during the period from 1880-1915, one may turn to our relations with Venezuela during that period and find there its perfect functioning. Despite handicaps, successive administrations have established the principles of arbitration and amicable relationship. The policy of the United States with all its carelessness and trivial deficiencies has been consistent. The achievement of this consistency is a tribute to the various secretaries of state in the period under review, each of whom by a false move could easily have brought about considerable trouble.

In addition to the complexities of the ordinary diplomatic relations between the United States and Venezuela, there were many incidents during this period which involved two or more firstclass powers of Europe. It was rather this latter feature which tested the diplomatic acumen of the United States.

Chief among these incidents involving European powers was the Venezuela-British Guiana boundary dispute. So pre-

¹ William Lindsay Scruggs, *The Columbian and Venezuelan Republics* (Boston, 1901), p. 331.

eminent was this problem and so interwoven in the diplomatic correspondence of the period that it would be futile to include it in a general outline of the diplomatic relations of the United States and Venezuela. This incident, therefore, will be dismissed, as comprising a separate chapter in the diplomatic relations of the United States, Great Britain, and Venezuela, and this present paper will be limited to a discussion of less outstanding but equally significant events.

Another important crisis, also involving Venezuela and the Monroe Doctrine occurred a few years after the boundary settlement with Great Britain. Again, prompt and energetic action saved the situation for the United States. Germany precipitated this crisis in a highly argumentative manner. It is now evident that the kaiser intended to test the validity of the Monroe Doctrine in the same manner in which he later tested the British-French-Russian combination. He found beyond the shadow of a doubt that both held. Mr. William Roscoe Thayer has thus summed up the situation:²

Venezuela owed large sums to Germany, Great Britain, Italy and other European powers which she showed no disposition to pay. Germany persuaded England to join her in a bill collecting campaign and started the famous "Pacific blockade". After a few months it became evident that Germany intended more than this. England and Italy announced their intention and willingness to settle the matter by arbitration but Germany held out for severer methods proposing to land troops and "temporarily" occupy parts of the country. Here was the "test" of the Monroe Doctrine! One day, when the crisis was at its height, President Roosevelt summoned to the White House Dr. Holleben, the German Ambassador, and told him that unless Germany consented to arbitrate the American squadron under Admiral Dewey would be given orders by noon two weeks later to proceed to the Venezuelan coast and prevent any taking possession of Venezuelan territory. Dr. Holleben began to protest that his imperial master, having once refused to arbitrate, could not change his mind. The

²B. J. Hendrick, "Historic Crises in American Diplomacy" (*World's Work*, June, 1916, pp. 185-186); Thayer, *Theodore Roosevelt* (New York, 1919), pp. 218-224.

President said that he was not arguing the matter, because arguments had already been gone over until no useful purpose could be served by repeating them; he was simply giving information which the Ambassador might think it important to transmit to Berlin. A week passed in silence. Then Dr. Holleben again called on the President but said nothing of the Venezuelan matter. When he rose to go, the President asked him about it, and when he stated that he had received nothing from his government, the President informed him in substance that, in view of this fact, Admiral Dewey would be instructed to sail a day earlier than the day, he, the President had originally mentioned. Much perturbed, the Ambassador protested; the President informed him that not a stroke of the pen had been put on paper; that if the Emperor would agree to arbitrate, he, the president, would heartily praise him for such action, and would treat it as taken on German initiative; but that within forty-eight hours there must be an offer to arbitrate or Dewey would sail with the orders indicated. Within thirty-six hours, Dr. Holleben returned to the White House and announced to the President that a dispatch had just come from Berlin saying that the Kaiser would arbitrate. Neither Admiral Dewey, who with the American fleet was then manoeuvering in the West Indies nor any one else knew of the step that was to be taken; the naval authorities were merely told to be in readiness but were not told what for. That is, Germany had tested the Monroe Doctrine and discovered that it held. She deferred her ambition for expansion in South America and began to "seek a place in the sun" elsewhere.

As President Roosevelt was living at the time this was written, it is my opinion that full credence must be given this graphic summary of a critical incident, although its authenticity has been questioned by various writers. [On this episode, however, see J. Fred Rippy, *Latin America in World Politics* (New York, 1928), pp. 192-199; and Howard Copeland Hill, *Roosevelt and the Caribbean* (Chicago, [c1927]), pp. 106-147—Ed.]

Regardless of the methods used by Germany or the motives behind the methods, it must be borne in mind that little progress had been made over a period of twenty years in adjust-

ing the Venezuelan debt to Germany. In 1881³ Venezuela was reported to owe Germany 200,000 francs; by 1903⁴ this amount was claimed to have increased to 7,376,685.78 bolívars. Germany was by no means the greatest sufferer in this connection, other countries being creditors as well; nor had this debt gone unnoticed in the past. A brief resumé of the debt situation will indicate the financial irresponsibility of Venezuela during the period 1880-1915 and incidentally show the unfavorable position that the United States was forced to assume.

The first serious difficulty occurred in 1881.⁵ France, weary of fruitless negotiations, severed relations with the Venezuelan government. The United States minister urged the use of his good offices in the matter of arbitration. Señor Camacho, the Venezuelan minister of foreign affairs, protested to the assistant United States secretary of state, Mr. Seward, against the possible use of violence by France. At that time he was advised that three principles should govern any adjustment: 1. Venezuela ought to pay; 2. the money should be distributed pro rata; 3. the United States could be counted on to harmonize differences if equitable adjustment was contemplated. On August 3, 1881, Assistant Secretary of State Seward, the son of the former secretary of state, again assured Señor Camacho of our sincere wish to heal the breach between the Venezuelan and French governments. This message was prompted by the report of a blockade which France was endeavoring to create off the coast of Venezuela. The total outstanding indebtedness of Venezuela in foreign countries as of July 23, 1881, was distributed as follows:

	<i>francs</i>
Spain	7,704,457
United States	5,847,163
Holland	4,190,896

³ *Foreign Relations of the U. S.*, dispatch of July 23, 1881.

⁴ Jackson H. Ralston and W. T. Sherman Doyle, *Venezuelan Arbitration of 1903* (Washington, 1904).

⁵ *For. Rel. of the U. S.*, dispatch of May 6, 1881.

France	3,455,155
Great Britain	2,192,835
Germany	200,000
Denmark	161,241

As most of the above debts arose out of the interference with foreign citizens, a number of cases will be discussed in connection with the diplomatic relations during the various periods of insurgency. Discussion will, therefore, for the time being, be confined to the actual handling of the debt situation rather than to the questions involved in these claims.

Due to the good offices of the United States, arrangements were completed for the settlement of all outstanding debts by means of arbitration. No attempt to pay was made by Venezuela, however, and in February, 1895,⁶ France again severed diplomatic relations and was joined by Belgium.⁷ The United States was chosen by these powers to represent their interests in Venezuela. During the period in which diplomatic relations were broken, a protocol was formulated by Italy and subscribed to by France, Belgium, Spain, and Germany. This protocol was highly threatening in its tenor. Again Venezuela sought the good offices of the United States in the matter of mediation. Further promises to pay brought about a resumption of diplomatic relations between the countries at variance.

In 1901, the debt situation came to a head in a manner which, for a time, threatened to disturb the peace of several of the great powers. It was Germany, which on this occasion, took drastic measures to hasten an adjustment of this long-standing debt situation. The conditions of November 3, 1881, upon which the United States agreed to use its good offices in the adjustment of the debt as urged by France⁸ contained the following provisions:

⁶ *Ibid.*, 1895, dispatch of February 7, 1895.

⁷ *Ibid.*

⁸ John W. Foster, *Practices of Diplomacy-Claims; For. Rel. of U. S.*, 1881, despatch of November 3, 1880.

1. Venezuela was to pay 13 per cent of 40 units of custom receipts.
2. The monthly payments of 960,000 bolívars which were being set aside for the reduction of these debts were to be increased to 1,040,000 bolívars per annum (cumulative).
3. The United States was to receive and distribute this money on a pro rata basis to the creditor nations, namely, Denmark, France, Germany, Great Britain, Spain, Netherlands, and the United States.
4. The United States was to use its good offices in securing the ratification of this treaty by all the powers involved.

Upon the urgent request of Germany that payment be hastened, the Venezuelan government replied in 1901 that prompt payment could be affected on the following basis:⁹

1. As a new government had taken control of the country, all debts prior to 1899 would not be considered.
2. In the event that adjusted claims were refused by the individuals involved, recourse could be had only through the supreme court of Venezuela and under no conditions could these claims be referred to diplomatic officials.
3. The payment of these claims was to be through the medium of federal, municipal, or industrial bonds of Venezuela.

These terms the Germans refused *in toto* claiming that the first provision would eliminate a large percentage of the debt which they felt was contracted legitimately; that the second provision precluded a fair discussion; and that the third would be obviously a case of throwing good money after bad and that the past condition of Venezuela did not warrant the assuming of such a financial hazard. Further negotiations failing, the Germans severed diplomatic relations on October 19, 1901,¹⁰ which were temporarily restored only to be broken again on December 8, 1902. At this time practically all the European powers which were creditors of Venezuela also severed relations. On December 20, 1902, Germany and England created a blockade off the coast of Venezuela.

⁹ John Bassett Moore, *Digest of International Law* (Washington, 1906), I. 693.

¹⁰ *For. Rel. of the U. S.*, 1903.

In the meantime the United States had been active in attempting to pour oil on the troubled waters. In December, 1901,¹¹ Germany advised the United States that there appeared to be but two courses of action open: namely, either to coerce payment by means of a blockade; or to seize the customs and thereby be assured that customs revenues would be applied to the reduction of the debt. Cognizance of this statement was taken by President Roosevelt in his annual message to congress in the same month. The reply of Secretary of State Hay reflects the president's attitude when he advised Germany¹²

that the United States government, although they regretted that the European powers should use force against Central and South American countries, could not object to their taking steps to obtain redress for injuries suffered by their subjects provided that no acquisition of territory was contemplated.

Although this attitude on the part of the United States was bemoaned by Venezuela, it has added a certain flexibility to the heretofore questionable status of the Monroe Doctrine particularly in the matter of redress. This statement was highly acceptable to Great Britain but, in the light of Mr. Thayer's contribution, further exegesis was necessary in the case of Germany. The United States did, however, issue a warning to the European powers that the blockade should, in no way, inconvenience the neutral powers.

As the United States was joint creditor with the other powers, it was natural that this country should have been approached during the development of the debt question in the matter of concerted action to coerce payment. This plan of joint action had previously been suggested by Baron Gevolt, the German minister at Caracas. The British, who had concurred in this scheme, broached the subject to the United States. The reply of Mr. Bayard is highly significant of

¹¹ *Ibid.*, 1901, dispatch of December 11, 1901.

¹² *Ibid.*, dispatch of December 16, 1901.

American policy and the conveyance of this thought is worthy of mention. His reply was as follows:¹³

The policy of the United States is distinctly opposed to joint action with other powers in the presentation of claims even when they arise from an act equally invading the common rights of American citizens and subjects of another state residing in the country to whose government complaint is made. . . . The United States was ready to secure any advantage which might be derived from a coincident and even identical representation with other powers with regards to matters of common concern but was adverse to joint presentation as the term is strictly understood. A joint demand might involve a joint enforcement and the United States was indisposed to contemplate such entanglement of its duties and interests with those of another power. It was entirely proper for an American minister so to act in concert with his colleagues as to secure the benefit of coöperative action without the ultimate embarrassment to which united action may be liable. When, in 1871, the German government had proposed to certain cabinets the adoption of joint measures to urge upon Venezuela a more orderly government and better observance of her obligations, the United States took occasion to deprecate such a resort on the ground that a combination to present and enforce such demands by the European powers against an American state could be observed by the United States with the greatest concern.

Not only was the United States in the rôle of mediator caught between the cross fire of Venezuelan and European demands but Argentina, on December 29, 1902, at a time when matters were most aggravated, proposed a doctrine undoubtedly intended to accentuate the difficulty. Regardless of the motives prompting this doctrine, the United States was again placed in a defensive position at a time when it could as readily have joined with the European powers in the collection of a debt of which it could claim a high percentage; although such action, it must be said, would have been at variance with our steadfast policy. This doctrine,¹⁴ known to everybody, provided among other things the following:

¹³ Moore, *Digest of International Law*, VI. 533.

¹⁴ *Ibid.*, p. 593.

1. When foreign capitalists invest in countries, they assume the same risk that they would in underwriting an enterprise of dubious success in their country.
2. The state of Venezuela should be permitted to choose time of payment.
3. The government of any country is liable to change and such change should be treated as evolutionary.
4. It was to be regretted that such undue importance was placed on the question of international debts especially as applied to Hispanic American republics.
5. Under no condition should territorial occupation be permitted in any country.
6. The republics of Hispanic America had long stood for the rules of international law and arbitration as the only means of settling disputes between countries.
7. The principles of the Monroe Doctrine as applicable to the case of Venezuela was acceptable to the other countries of Hispanic America.
8. It was pointed out that an Argentine debt contracted from Great Britain in 1824 was paid in 1854 and that there was nothing in the case of Venezuela to disprove that a similar moratorium in this case would not be expedient.
9. Under no conditions should the foregoing be interpreted as indicating Argentina to be anti-foreign.

In answer to this so-called Drago Doctrine, Secretary of State Hay referred to the president's annual message to congress in 1902¹⁵ at which time he stated that "no independent nation in America need have the slightest fear of aggression on the part of the United States". Reference was also made to his annual message of the previous year in which he stated that

we do not wish to guarantee any state against punishment if it misconducts itself provided that the punishment does not take the form of the acquisition of territory by a non-American power.

This latter statement is highly significant and has tended to make the Monroe Doctrine more palatable to European

¹⁵ James Daniel Richardson, *Messages of the Presidents* (Washington).

powers. It would appear, however, that this principle had already been written into the doctrine by the neutrality of the United States in the war between Peru and Spain some years previously.

While the state department of the United States was having its difficulties in the matter of reconciling the interests of the foreign powers to the Monroe Doctrine, the American legation at Caracas was a storm center. On the first of December, 1902, the United States legation was advised¹⁶ to be in readiness to take over the interests of both Great Britain and Germany in the event of a rupture of relations. The breach occurring a week later, the British and German legations were attacked by the populace and it was necessary for the United States legation to offer the right of asylum to the refugees. Less than a week later, the Dutch and Italians had also severed relations causing additional responsibilities. The minister from the United States was invited to act as arbitrator at this juncture. The Venezuelan government, however, on December 20, 1902, refused to consent to The Hague arbitration. With the closing in of the allied fleets, the United States legation was kept busy denying that the ships had fired on the sea ports of Venezuela. The American claims were necessarily submerged in the quest for peaceful adjustment. Through the untiring efforts of the United States, protocols were signed by the end of March whereby the claims of all the powers were to be submitted to arbitration. In a similar manner the debts were to be adjusted with those powers which had not severed relations with Venezuela.

As these protocols differed from one another to some extent it will be necessary to discuss them separately. The general principles of arbitration were uniformly applied. To insure the receipt of the customs, Belgium was chosen to administrate in the matter of collection of the customs revenue. This appointment was generally satisfactory as no implication

¹⁶ *For. Rel. of the U. S.,* 1902, dispatch of December 1, 1902.

of aggrandisement could be made against Belgium by the larger powers and at the same time the creditors were assured that the revenues would not be perverted.

The German-Venezuela claims were to be adjudicated in accordance with the protocol of February 13, 1903. Under its provisions, an umpire was to be selected by the president of the United States. The summary of the German claims is as follows:¹⁷

Total number of claims	73
Total number of claims allowed	58
	<i>bolívars</i>
Total amount claimed	7,376,685.78
Total amount disallowed	5,332,723.20
Total amount allowed	2,091,908.75

[Note: In this case and many of the others, there are apparent discrepancies between the amount claimed, disallowed, and allowed. This is occasioned by the fact that in many cases claims were withdrawn during the course of the adjudication.]

The Italian-Venezuelan claims were to be adjudicated in accordance with the protocol of February 13, 1903. Under its provisions an umpire was to be chosen by the president of the United States. Italy had presented 377 claims in the amount of 39,844,258.09 bolívars. Of this amount 37,075,172.51 bolívars were disallowed. The amount finally allowed was 3,975,-906.27 bolívars.

The Mexican-Venezuelan claims¹⁸ were to be adjudicated in accordance with the protocol of February 26, 1903. Under its provisions an umpire was to be selected by the king of Spain. It is interesting to note that the choice of an umpire by these two Hispanic American countries does not reflect any deep fondness for the United States. There is no trace of Pan-Americanism in this act which showed a greater regard for the recent oppressor of Hispanic America than for the northern republic which was the first to acknowledge their

¹⁷ Ralston and Doyle, *Venezuelan Arbitration of 1903*.

¹⁸ *Ibid.*

independence and through whose efforts the peace gestures were accomplished. These claims were bilateral. Mexico presented one claim in the amount of £114,575.85 which was allowed, although £12,503.45 were deducted. Venezuela presented four claims against Mexico in the amount of 296,434.22 bolívars. One claim was allowed in the amount of 12,112.50 bolívars.

The Spanish-Venezuelan¹⁹ claims were to be adjudicated in accordance with the protocol of April 2, 1903. Under its provisions an umpire was to be chosen by the president of Mexico. The claims presented totaled 184 of which 164 were allowed. The amount claimed was 5,307,626 bolívars of which 1,974,818.41 bolívars were allowed.

The Netherlands-Venezuelan²⁰ claims were to be adjudicated in accordance with the protocol of February 28, 1903. The president of the United States was to choose an umpire. The Netherlands advanced claims in the amount of 5,242,-519.95 bolívars of which 544,301.47 bolívars were allowed.

The Swedish- and Norwegian-Venezuelan²¹ claims were to be adjudicated in accordance with the protocol of March 10, 1903. Under its provisions the king of Spain was to select an umpire. Eight claims in the amount of 1,047,701.35 bolívars were presented of which seven in the amount of 174,359.08 bolívars were allowed.

The British-Venezuelan²² claims were to be adjudicated in accordance with the protocol of February 13, 1903. Under its provisions the president of the United States was to appoint an umpire. Before negotiations were started it would be necessary for Venezuela to pay £5,500 for a recent seizure of a British ship and the plunder of the property of the crew. The British presented claims in the amount of 14,743,572.89 bolívars of which 9,401,267.86 bolívars were allowed.

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ *Ibid.*

²² *Ibid.*

The French-Venezuelan²³ claims were to be adjudicated in accordance with the protocol of February 27, 1903. Under its provisions the queen of the Netherlands was to choose an umpire.

The Belgian-Venezuelan²⁴ claims were to be adjudicated in accordance with the protocol of March 7, 1903. Under its provisions the queen of the Netherlands was to select an umpire. Three out of four claims were allowed. Of debts in the amount of 14,921,805.11 bolívars, 10,898,643.86 bolívars were sustained.

The United States-Venezuelan claims were to be adjudicated in accordance with the protocol of February 17, 1903. Under its provisions the queen of the Netherlands was to select an umpire. The United States concurred in the demand of the other powers that thirty per cent of the customs revenue be set aside for the partial payment of the foreign debts and that Belgium should supervise this collection. The summary of the claims is as follows:

Total number of claims	55
Total number of claims allowed	25
Total amount allowed	\$436,450.70
	<i>bolívars</i>
Total amount claimed	81,436,450.70
Total amount disallowed	78,254,369.44

As previously stated, most of these claims arose from the various periods of insurgency to which the Venezuelan government was subjected. The multiplicity of these claims submitted by the foreign powers preclude individual discussion although references will be made to those cases which are considered the most outstanding. An analysis of one hundred cases picked at random showed the scope of these claims to be as follows:²⁵

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ *Ibid.*

<i>Claims arising from</i>	<i>Per Cent</i>
Contracts made void by revolution	28
Property lost by action of revolutionists	15
Shipping tied up illegally	11
Property lost by action of national army	11
(As in many cases the citizenship of claimants was questionable many claims were refused.)	
Personal services to either the revolutionary or federal forces or factions	8
Illegal arrest	4
Overlapping of charters for public utilities ...	4
Property for public use destroyed by authorities	4
Scattering	15

The mediation offered and conducted by the United States was successful in clearing up all of the debts with the exception of those of the Netherlands, France, and the United States. The French, in default of payment were, in 1906, again forced to sever relations with Venezuela, but this breach was happily adjusted by the good offices of the United States. The proposed breach with Venezuela by the Netherlands was averted by the timely mediation of the same country in July, 1909. It was not until 1910, however, that the United States was able to adjust its own debts.

There were still several loose ends in the debt situation between the United States and Venezuela which were subsequently aggravated by fresh difficulties. The sequestration of the property of the New York and Bermudez Company, an American concern, was especially annoying. So sharp was the tenor of the note²⁶ conveyed by the state department to the American legation at Caracas, that Mr. Bowen, the American minister, who had worked unceasingly in the interests of mediation, took it in the light of a personal reprimand. Such was far from the case as his efforts for peace and preservation of American honor were well recognized by Secretary of State Hay. It did convey to the legation, however, the assur-

* *For. Rel. of the U. S., 1905, dispatch of February 1, 1904.*

ance that the patience of the United States was at an end. As a result, Mr. Bowen transmitted the dispatch of his state department to the Venezuelan foreign office. Coincident with this move, Mr. Bowen requested the presence of the American fleet and suggested seizure of the customs. Shortly after this incident, the United States was able to force arbitration which provided for the schedule of payments. The salient facts of the Bermudez case which aggravated conditions are as follows:

The government of Venezuela through the minister of the interior demanded \$10,000,000 from the company on the grounds that they had been un-neutral in the recent civil war. The American manager immediately refused this demand claiming that it was a case of blackmail. This happened on June 25, 1904. One week later the asphalt lake was seized temporarily on the aforementioned ground that the company had befriended the rebel forces of Matos. Despite the fact that a protest had been lodged with the American legation, an employee of the company was seized and subjected to humiliation. The right of this company to transact business had been guaranteed by charter. On September 15, 1883, an American prospector had been permitted by charter to exploit the forest in the Bermudez area. This right had been transferred in 1885 to the New York-Bermudez Company and the right to secure oil and asphalt was assured by the government. (In 1912, this company, it should be noted, became associated with the General Asphalt Company as its Caribbean branch.) This claim was thus added to the others pending arbitration.

In the early part of 1908, the United States listed the grievances against Venezuela which were outstanding at the time and included some which were still being carried over from the arbitration proceedings of 1903 and the more recent negotiations of 1905. These claims were five in number, viz: 1. The Jarret case; 2. Manoa case; 3. Orinoco Steamship case; 4. New York-Bermudez case; 5. Critchfield case. On February 15, 1908, Mr. Root, secretary of state, requested arbitration

in no uncertain terms. Venezuela still remaining indifferent, diplomatic relations between the United States and Venezuela were severed on June 25, 1908.²⁷ The interests of the United States in Caracas were entrusted to the Brazilian minister. In December of the same year, Mr. Buchanan was appointed by Mr. Root a special commissioner to negotiate for the resumption of relations with Venezuela. On December 21, 1908, Mr. Buchanan conveyed to the foreign minister of Brazil, whose good offices in the interests of mediation had been accepted, the provisions upon which the United States would resume relations with Venezuela. These terms being satisfactory to Venezuela, a protocol was signed on February 14, 1909, which provided for the settlement of the following claims: 1. Orinoco Steamship Company; 2. Manoa Steamship Company; 3. Critchfield case. The award of the arbitrators was handed down on October 26, 1909, and payment was made on December 20, 1910. An American periodical,²⁸ summing up the last of these aggravating claims, many of which were over thirty years old, states:

The result [adjustment of the debts with Venezuela] has amply vindicated the judgment of the negotiators and affords a new illustration of the value of the Hague Court not merely as a tribunal for the settlement of international difficulties but as a standing inducement for the amicable adjustment of international difficulties of a judicial nature by the parties involved.

All the debts due the United States which had been referred to arbitration were cleared up with the exception of the Orinoco Steamship case. In this matter the United States sought a revision of the award made in 1903 on the ground that the umpire rendered the award in disregard of the terms of submission. Thus the United States, whose first concern was for the adjustment of the debts of other powers, received an adjudication of its debts seven years later and under conditions as mutually embarrassing to the United States and

²⁷ *Ibid.*, 1908, dispatch of June 25, 1908.

²⁸ *American Journal of International Law*, editorial, October 1909, pp. 985-989.

Venezuela as would have been the procedure proposed by the European powers in 1903. The Monroe Doctrine had again been tested but found applicable in a manner less offensive to the Europeans than was the tenet of Mr. Olney in regard to the Monroe Doctrine as applied to the boundary dispute with Great Britain.²⁹

In addition to alleviating the difficulty which Venezuela had with the powers of Europe, the United States was responsible for the resumption of diplomatic relations between the governments of Venezuela and Colombia. On July 20, 1905,³⁰ the United States was requested by Colombia to act as arbitrator in a boundary question between the two countries. The free usage of the rivers contiguous to the two countries was also a matter of long standing dispute. On January 20, 1906, the United States was again requested to assume the office of arbitrator and acceded to the request. On July 26, 1906, however, Venezuela announced its intention to deal directly with Colombia. Despite this treatment, the United States continued to use its good offices in the matter of mediation. Finally the offer was accepted, as a result of which relations between the two countries were resumed.

Probably one of the most perplexing set of problems developed during the periods of revolution and civil strife. During these trying times, the United States was not only forced to protect the interests of its own nationals but was also forced to ameliorate the wrath of the European countries in an effort to preclude any breach of the Monroe Doctrine. The follow-

²⁹ "Historic Crises in American Diplomacy," by B. J. Hendrick, *World's Work*, June 1916, p. 186.

Olney's statement was as follows: "The United States is practically sovereign on this continent and its fiat is law upon the subjects to which it confines its interposition. Why? It is not because of the pure friendship or good-will felt for it; it is not because, by reason of its high character as a civilized state; nor because wisdom and justice and equity are the invariable characteristics of the dealings of the United States. It is because, in addition to all other grounds, its infinite resources combined with its isolated position render it master of the situation and practically invulnerable as against any and all other powers."

³⁰ *For. Rel. of the U. S.*, 1906.

ing incident³¹ will clearly portray the type of difficulty involved. On this particular occasion, the French legation granted asylum to General Monagas who had been forced to retire from the presidential office. The French were assured by the new government that a safe conduct would be granted to ex-president Monagas which assurance was incorporated in a protocol. A few days later the forces of the new government repudiated the protocol and surrounded the legation in a threatening manner. As a result the French broke off relations and the British did likewise. As no violence was done, the United States offered its good offices in the interests of peaceful negotiations. Later this difficulty was adjusted through the medium of another revolution.

As a general rule the United States was the first power to recognize a *de facto* government. On one occasion, however, the United States followed the lead of the European governments in establishing friendly relations with a newly acquired government. Of this incident, Moore says:³²

On his restoration to power by the revolution of 1879, General Guzman Blanco convoked a congress of plenipotentiaries consisting of representatives from the various states of Venezuela, which formed a provisional government and elected him provisional president. He was soon recognized by the diplomatic representation of Brazil, England, France, Germany, Italy and Spain. The United States, however, deferred its recognition, Mr. Evarts, who was then Secretary of State taking a position similar to that which he had previously assumed with reference to the new government of Mexico. . . . Good faith in the observance of international obligations is the first essential toward the maintenance of such relations. At present there is no indication that any change for the better has taken place, either as regards the payment of the indemnity installments, now for several months in default, or the security of the rights of citizens of the United States sojourning in Venezuela.

The American minister was given instructions "to maintain a considerate and conciliatory attitude in his unofficial relations

³¹ *Ibid.*, 1883.

³² *Digest of International Law*, I. 150.

with the new government" with a view of "bringing about with all convenient speed a proper understanding upon the pending issues as to the reasoning preface to formal recognition".³³ In the spring of 1880, the Venezuelan congress having met and elected Gúzman Blanco president, it was decided, notwithstanding the questions relating to the indemnity and claims had not been settled, to give him the formal recognition of the United States.

The Crespo administration also came into being through the medium of a revolution. In this particular trouble the action and attitude of the Crespo faction was of the caliber that would enlist the support of the United States. The opposing party which represented the end of the old régime was constantly embroiled in diplomatic difficulties with foreign powers. One of the favorite reprisals of the old régime was to close the ports in which it was rumored that revolutionary leaders were located. For example, on September 3, 1887, three revolutionary leaders,³⁴ Silva, Goda, and Díaz, fled to the port of Curaçao. The Venezuelan government closed the port until these leaders were expelled. In almost all these cases, American shipping was involved—in this particular case, that of the Red D Line, an American enterprise. As these tactics on the part of the Venezuelan government were becoming of common occurrence, the reply of our state department was sharply worded. Meanwhile, conditions in Venezuela became gradually worse until 1892 when a state of anarchy practically existed. When, on August 29, 1892, the master of the steamship *Caracas* reported that General Urquiza in command of the federal forces took six Curaçao passengers off his ship at Puerto Cabello, the United States promptly dispatched a warship to the northern coast of South America to await developments. The next move on the part of the federal government of Venezuela was to declare a blockade off the coast of Venezuela. As this was in direct violation

³³ *For. Rel. of the U. S.*, 1880.

³⁴ *Ibid.*, 1887, dispatch of September 3, 1887.

of the Conference of Paris, in the sense that a blockade to be real must be effective, it was disregarded. Upon the failure of the Venezuelan government to enforce this blockade, protests were made to the other powers that the United States was taking its shipping into Venezuelan ports by means of a naval convoy. This contention was subsequently proved to be false. Difficulties arising out of the attack upon the American consulate, the closing of the ports of Ciudad Bolívar and Puerta Cabello, and other annoyances of a similar nature were avoided by the timely downfall of the administration. On October 12, 1892, the United States government recognized the Crespo government at which time the American minister was instructed³⁵

to recognize the *de facto* government of General Crespo if it was accepted by the people, in possession of the power of the nation and fully established.

The Castro administration came into being in 1899 after a brief but sanguinary revolution.³⁶ On August 7, 1899,³⁷ the insurgent faction in the state of Los Andes was reported as completely defeated. By the early part of September, however, the revolutionists were gaining power and on September 14, President Andrade left Caracas to take command of the governmental forces in the field. On the same day Valencia fell and the forces of the government returned to Caracas. Before the end of the month it was apparent that the government would fall and the United States legation requested instructions in the matter of recognition in the event that the insurgent faction became the *de facto* government. On October 20, the president abruptly quitted Caracas, embarking at La Guaira for a place unknown. The vice-president immediately assumed the presidential office. Two days later Castro arrived in Caracas and received the plaudits of the populace and on the following day the acting president resigned in favor

³⁵ *Ibid.*, 1892.

³⁶ *Digest of International Law*, I. 154.

³⁷ *For. Rel. of the U. S.*, 1899, 1900.

of Castro. On October 26, 1899, General Hernández, who had supported up to that time the insurgent movement, retired to the mountains with two thousand men with the intention of resisting the new Castro government. This revolt failing and peace being fairly well established, the United States recognized the Castro government on December 4, 1899. Subsequent events would tend to indicate that our recognition of the Castro régime was premature and less timely than that of the Gúzman Blanco government which took place only after considerable delay.

During this period the United States had considerable trouble with the Venezuelan government in the matter of the navigation of the Orinoco River. The first difficulty occurred on July 10, 1901, when Señor Blanco, minister of war and foreign affairs, stated that³⁸

The law of May 15, 1882, gives to the head of the government the power to grant or not to grant, in his judgment, permission to foreign men-of-war to enter for scientific purposes ports that are not open. Every time that a war vessel of the United States has made a request of this nature it has been granted without any difficulty and not long ago permission of this nature had been granted.

The minister of war and foreign affairs overlooked the fact, however, that, in 1893, the Venezuelan government had unconditionally closed all the mouths of the Orinoco River but one. This move had worked a hardship upon American shipping, particularly that of the *Thebault*. After the United States had made a strenuous objection, the government of Venezuela retracted this ruling. Nevertheless, Señor Blanco further stated in his protest that

the "Scorpion" entered the harbor of Santa Catalina, a port not open, and an officer in uniform went ashore and returned on board accompanied by a gentleman named Boynton, an employee of an American company with offices in said place.

In reply the United States pointed out that the *Kearsage* on November 7, 1892, and the *Wilmington* on January 23, 1899,

³⁸ Moore, *Digest of International Law*, II. 565.

had acted in a similar manner without molestation. It was also pointed out that the impression of the United States was that the Orinoco River had the same status as that of the Mississippi River, namely, that navigation for the purpose of scientific investigation should be free. Further, our state department advised that the permission requested by the British chargé d'affaires to allow the *Alert* to go up the Orinoco River for the purpose of investigation was deemed by the British foreign office to be unnecessary. To this contention the Venezuelans replied that Ciudad Bolívar (where the *Alert* had gone) was a free or open port. The United States therefore requested a list of these open ports. After some delay answer was made that this list included the ports of La Guaira, Puerta Cabello, Maracaibo, Ciudad Bolívar, and Carupano.

The changes incorporated from time to time into the constitution of Venezuela were either so transitory or so ineffectual that they did not affect international relations. During the administration of President Castro, however, the constitution was changed to include several significant features. Among these might be mentioned the following: 1. The number of states was reduced to thirteen; 2. the powers of the president were greatly enhanced; 3. compulsory arbitration was to be the medium of settling international disputes; 4. the right to bring claims caused by revolutionary damages was denied to both native and alien alike. No other changes of note occurred in the constitution until 1914. At that time the term of the president was increased from four to seven years with reëlection if so voted by the people. The vice-presidential office disappeared with these changes.

Many of the laws passed by the Venezuelan government have either been in direct conflict with the codes of international law or of such a nature as to work unnecessary hardship upon the foreign interests located within its borders. One law, for example, provides that an editor of a paper must waive diplomatic protection. This is a theory which none of the firstclass powers permit to be carried out in fact until

citizenship itself is given up. Again, the Venezuelan interpretation of its constitution recognizes the outworn theory that a citizen may not expatriate himself. With reference to the cases of Miguel Felipe and Bartholome Antioch, who were natives of Venezuela but also naturalized American citizens, the state department of the United States advised the Venezuelan government that

few governments now make such a denial and the State Department is not aware of any law of Venezuela which prohibits emigration and naturalization elsewhere. If, however, as appears to be the case referred to, the people propose to return to the United States, that step if carried into effect will relieve us from further controversy in regard to this particular case.

Subsequently, the United States succeeded in proving that the laws relating to extradition in Venezuela were inconsistent and might be disregarded in favor of a more advanced doctrine without jeopardizing constitutional provisions. Another law which is a source of annoyance to foreigners who contemplate remaining in Venezuela is that which requires a certificate of good conduct for a period of five years prior to entrance into the country. This certificate is usually difficult to procure in the country from which the foreigner comes.

Shipping interests have always been inconvenienced by a law "requiring masters of incoming vessels to deliver all their papers to certain officials". It is not the law but its administration which is the source of complaint. Often these papers are held by the officials, thereby preventing the master of the ship from sailing at the time planned for departure. Another law detrimental to the shipping interests is that which requires a duty of thirty per cent on all goods reshipped into Venezuela from the West Indies. Despite forty-five years of protest and legislative discussion in the United States and England, this law remains in effect. There is, however, considerable justification for this law which undoubtedly inconveniences shipping. Curaçao with its free list and propin-

quity to Venezuela offers a fertile field for smugglers and others who pursue a parasitical existence at the expense of the legitimate shipping interests.

Not only has the United States been required to protect the interests of its nationals but on several occasions has been forced to interfere for the sake of protecting its own consular offices despite the degree of immunity granted them by the recognized principles of international law. On April 10, 1884, John Dalton, the American consul at Ciudad Bolívar, was arrested by the federal government for some remarks on the subject of public finance and its perversions in the Republic of Venezuela. Although the contention of the federal government was in no way substantiated, it was a matter of three or four months before the United States received an official apology for this violation of international decency. Another case of the violation of consular immunity occurred in La Guaira. Mr. Goldschmidt, the American consult at that place, and his wife were shot at while walking on the main street. Mr. Goldschmidt escaped but his wife was slightly wounded. This incident took place under the eyes of the chief of the provisional constabulary. The indifference with which justice was meted out to the assailants is indicative of the hazardous life to which the early American consuls to Venezuela were subjected. Another case occurred in Barcelona where the American consul was forcibly arrested and subjected to many indignities for reasons never satisfactorily explained. Nor were the American consuls alone in suffering from violations of the nature already outlined. Subsequent to a break in the relations between Venezuela and France, the Venezuelans arrested Monsieur Taigny, a French consul, on the super-technical and fantastic ground that, since the break had occurred on January 10, 1906, and Monsieur Taigny had not quitted the country, he was but a private citizen. He had been prevented from leaving the country due to the illness of his wife whose removal at that time was impossible. The diplomatic correspondence between Venezuela and the other powers is re-

plete with incidents of this nature—sufficient, it would seem, to have warranted during that period either non-intercourse or extraterritorial jurisdiction.

Despite the vigorous defense of the United States of the interests of Venezuela at the time of the British Guiana-Venezuela boundary dispute, the attitude of Venezuela during the Spanish-American War was highly unneutral in favor of Spain. On April 29, 1898, the government of Venezuela ordered a proclamation of neutrality. Notwithstanding this, the attitude of both government and populace continued, throughout the war, to be pro-Spanish. On May 4, 1898, the American minister requested that the press of the United States take extraordinary pains to see that the war news was given to Venezuela in its true aspect. The attempt of the American government at Caracas to have the Venezuelan authorities restrain the local papers from publishing articles not only hostile to the United States but also inaccurate was treated with indifference by those who had been accustomed to suppress the press on every occasion. In this connection, it is interesting to note that during the late war, Colombia and Venezuela were the only South American states to remain strictly neutral. The attitude of the government, while not exactly pro-German, could not in any sense be construed as being friendly to the United States. In the matter of coöperation with the other South American republics or the broader coöperation with the Pan-American movement, it is recalled that Venezuela failed to send delegates to the third International American Conference at Rio de Janeiro in 1906.

Happily, there have been times when the friendship between the two countries has been all that could be desired. When, in 1888, General Páez died in the United States, the condolences of the American people through President Cleveland were conveyed to the people of Venezuela. His body was returned to his native land on the United States cruiser *Pensacola*. Our courtesy and sympathy were received by the Venezuelan people with unusual appreciation.

The visit of the North Atlantic squadron to Venezuela occurred on April 9, 1899, and was the signal for a general demonstration by the populace. The deportment of the crews and the remarks of Admiral Sampson did much to strengthen such bonds of friendship as did exist between the two countries.

When, in 1910, the Venezuelans were planning an exposition to celebrate the centennial of their independence, invitations were sent to Spain, Colombia, Ecuador, Peru, Bolivia, Great Britain, Argentina, Brazil, Haiti, the United States, and Mexico. All these countries were invited for specific reasons. Colombia, Ecuador, Peru, and Bolivia were invited for the reason that Bolívar—a native of Venezuela—had been instrumental in the gaining of their independence. Brazil and Argentina were invited because, during the century they had enjoyed independence, their commercial and diplomatic relations had been of the friendliest. Haiti was invited for its pioneer work in freeing slaves; Spain by virtue of its position as mother country; and the United States because it had been the first power to recognize the independence of Venezuela. Mexico was invited merely for the reason that Venezuela had previously been invited to participate in a Mexican exposition. The United States accepted the invitation to participate and a commission was appointed on June 12, 1911, to take charge of its part in the exposition.⁸⁹

Educational and religious organizations from the United States have been in Venezuela for many years working under the most trying conditions. Fortunately, there has been no interference from the United States in behalf of these organizations. They have apparently fitted into the scheme of Venezuelan life and avoided the pitfalls of indiscretion into which many similar organizations in other lands too often fall. A Presbyterian mission was established in the capital in 1897 and has been active ever since. For example, in 1915, this

⁸⁹ *For. Rel. of the U. S., 1912.*

organization distributed 30,242 volumes of good literature which has been a great factor in breaking down many of the prejudices which had long existed.

Probably the most outstanding incident reflecting the inherent goodwill between the two countries occurred at the time of the visit of Secretary of State Knox in 1912. Although Mr. Knox was in Venezuela but three days his remarks and friendly attitude were highly appreciated by the government of Venezuela. The president of Venezuela on April 19, 1912, paid a high tribute to Mr. Knox and his party; and, incidentally, in the same address the opening of the Panama Canal was anticipated with pleasure. The latter is particularly significant in that Venezuela had opposed the building of the canal by the United States.

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THE RIGHT OF ASYLUM IN NEW MEXICO IN THE SEVENTEENTH AND EIGHTEENTH CENTURIES

That the right of asylum still exists in the Orient is no more than is to be expected; that it lingered in some parts of continental Europe to a time within the memory of living man, and that it must at one time or another have been exercised within more than half of what is now the United States, as it certainly was in New Mexico, are rather startling facts.

Having its basis in a feeling of reverence for the place of worship, this right has doubtless existed ever since there have been shrines devoted to the worship of deity. To go no further back than the history of Europe, it played an interesting and important part in the history of Greece, being a recognized fact in the amphictyonic laws. The Greek temple-santuaries continued to furnish immunity after the Greek states fell under Roman rule, though their number was afterward limited when their working was found to interfere materially with the execution of Roman laws.

In Rome, the institution did not develop early. The Roman temper was essentially juridical, and in the long struggle between patrician and plebeian for equality of rights and privilege, a complicated system of purely legal checks upon despotic power was developed. Romulus's traditional asylum was not religious, and furnished no precedent in the republic; the right of a condemned criminal to exemption from the death penalty if he accidentally met a vestal, on the way to the place of execution, was closely akin, but not true religious asylum; so that the earliest native Roman religious asylum was that afforded under imperial law by the temples and the statues of the deified Augustus, which was especially favorable to slaves.

Among the Hebrews, the well-known cities of refuge were the only legally recognized sanctuary; and they sheltered only the involuntary homicide from the private avenger of blood, so as to provide for a fair judicial trial. This form of asylum

is, of course, distinct from true church sanctuary, though it did influence the latter's development. There are traces of an earlier altar-sanctuary, and of a long clinging of the Israelitish popular mind thereto, which also exerted an influence in the historic development of church asylum right.

The Christian right of asylum grew out of a number of causes working together. It must have developed gradually out of the Greek, tolerated under the Roman law. In fact, it doubtless existed side by side with the Greek, as it certainly did with the Roman form developed under the empire, for the earliest Theodosian institute, "concerning those who flee to the churches", is antedated only six years by one "concerning those who flee to the statues". It was only natural that the common people, familiar with the temple as a place of refuge, should continue to regard it as a place of refuge when it was turned into a Christian church. On the ecclesiastical side the basic influence was in the Christian ideal of mercy: leading to the conception of intercession for accused persons, or even known criminals as a necessary function of the episcopal office; reinforced by the well-known Germanic aversion to capital punishment; and having the Jewish cities of refuge as a biblical precedent.

At first, while the church was weak, the granting or withholding of clemency in response to the intercession of bishop or priest for the unfortunate who had, by taking refuge in the church, invoked such intercession, was necessarily recognized as being altogether dependent upon the ruler's will. Emperor Theodosius I., as a matter of fact, did away altogether with the right of asylum in the last years of the fourth century, A.D.; the first ecclesiastical legislation on the subject was the deliverance of the Concilium Africanum the following year, resolving to send an embassy to the emperor praying for the restoration of the privilege or right on a regular legal basis. It was restored by the Emperor Honorius. With the growth of power of the church and the bishop of Rome, the right of legislation on ecclesiastical immunity and the right of

judging cases arising under the laws were at least to a certain extent claimed by churchmen *ipso jure*, and there was many a struggle between the ecclesiastical and the temporal authorities. As the papal power declined, and the growth of strong civil governments made it less necessary, the struggle calmed down into agreements between church and state.

While far more extended than the Jewish, the medieval Christian right of asylum had a like purpose, that of preventing bloodshed, of mitigating the cruelties of a cruel age. He who "took sanctuary" was not thereby absolved from punishment, even though the episcopal intercession availed. In most cases the effect was to mitigate the civil penalty or, as in the English abjuration of the realm, to substitute a special for the ordinary form of penalty. If he were released altogether by the temporal power, he might be forced by the church to do penance. Moreover, from the time of the very earliest legislation, certain offenses of a peculiarly grave character were altogether excluded from sanctuary protection. Beginning with Justinian's exclusion of rapists, homicides, adulterers, etc., both the canon and the secular law (though law and practice varied at different times and in different countries), were, as time went on, fairly agreed in excluding also "public robbers", incendiaries, devastators of fields and vineyards, violators of sanctuary, those guilty of *lèse majesté*, and forgers. Debtors, too, from the earliest times, found themselves the subject of legislation to prevent the evasion of their just debts. In short, the privilege, once so widely granted, was so lopped off from time to time, so circumscribed, that by the middle of the nineteenth century it had been abolished by law in the greater part of Europe.

At first the immunity could be secured only by refuge within the church itself in the proximity of the altar. Later, to protect the altar and the divine service from disturbance and unseemly confusion, the privilege was extended to every part of the building, to its porticoes, and its grounds within a circuit of forty paces for the more important church, and

thirty for the less important church or chapel. The house of the bishops and other religious houses came in time to exercise the prerogative. One feature of the circumscription of the privilege, however, was the reduction of the number of asylums. In the Spanish dominions, by the close of the third quarter of the eighteenth century, an agreement had been reached between secular and ecclesiastical authorities that there should be only one asylum in each city—or two at most, in the case of the larger cities. For this purpose a certain church was designated, not in the neighborhood of a prison, not a dwelling of a religious order, nor with dwellings adjacent, except when no other was available.

Jew and Greek, barbarian, Scythian, bond or free—even heretics, when their offense was other than heresy—all were admitted to the privileges of the sacred place. Certain Jews are excluded in an early Theodosian institute, but only in case of making false pretence of repentance and conversion, from securing the benefits of sanctuary. There were differences in procedure, to be sure, as between a slave and free man, but the purpose was in all cases the same, namely, to protect from oppression and violence.

The procedure in extracting criminals from sanctuary differed widely at different times and in different places, just as did the degree of protection afforded. The norm established by the canon law after the Germanic influence made itself apparent, was that of some form of oath by the civil authorities to the ecclesiastic in charge of the asylum in question, that the penalty inflicted upon the accused should not extend to death or mutilation of members. This was the practice followed under the Spanish law. Whether the ecclesiastical, or the secular, court should decide whether in a given case immunity should or should not apply, and what should be done with the offender during the pendency of the question was long debated.

In Spain, as in continental Europe generally, the earliest legislation upon the right of asylum emanated from the sov-

ereign, and secular authority was paramount in cases involving the principle. Later the church claimed the right of legislation; and the claim was so far maintained that the Spanish laws of this second period show in a marked degree the influence of the canon law. Moreover, the claims of the church to more extended jurisdiction in cases involving immunity led to continual disputes with the secular magistrates, as a consequence of which the whole matter of procedure became greatly confused. It was but natural that criminals, taking advantage of the confusion, should become more and more audacious. The abuses which crept in made the need of reforms so evident that finally there came a time when agreements on these points were reached between the ecclesiastical and the civil authorities, gradually reducing the privilege, the first of which, between Felipe III. and Pope Clement XII., was concluded in 1737.

Teodoro Gómez Herrera, in the *Diccionario-Guia legislativa español*, notes a decree "for the abolition of local immunity of the temples called asylum" promulgated on October 11, 1809, during the general upheaval attendant upon the Peninsular War. Whether this statute of abrogations was a part of the legislation of the junta, the regency, and the cortes, swept away by Fernando VII. when he reestablished the old absolute monarchy, and not a part of the legislation reenacted by him after the constitutional régime was again forced upon him, or whether it was like sundry other Spanish paper laws, the right of asylum was not really thereby done away with, but continued to be the subject of legislation as late at least as 1850, when it is expressly mentioned in an extradition treaty between France and Spain.

Under the laws of Castile, which were early adopted as the governing code for the Spanish colonies, as well as under the canon law, to which they were subjected on the establishment of the Roman Catholic Church, the right of asylum became transplanted to American soil as a result of the Spanish conquests. The special code for the Indies developed later of

course introduced such modifications as circumstances required. And among the many interesting stories yet hidden in the mildewed records of our Spanish Southwest, none is more fascinating, perhaps, than is the story of the late survival there of this immemorial institution. The first known case revealed in the records occurred in 1685, the last in 1796. When, a quarter of a century after the latter date, Mexico became independent of Spain, the right still existed in Spanish law, which was the basis of the Mexican; and it lingered in Mexico until 1860, when it was finally abolished by statute.

In 1685, the main points in the Spanish law affecting the Indies were the following:

1. Immunity was to be afforded only when the offender fled to sanctuary of his own free will.
2. Certain classes of offenders were wholly or in part excluded from sanctuary privileges—in the main, those already noted.
3. A taker of sanctuary was usually not to be withdrawn forcibly, but only by an ecclesiastic's permission, under oath of the magistrate not to injure the refuge in life or limb until the question of his right to immunity was settled. If the ecclesiastic refused such permission, the person was to be withdrawn forcibly. If it were decided that the offense was not one of the exempted classes, the offender was to be returned to the sanctuary; if it was, the law was to take its usual course.
4. The refugee in sanctuary must be given food by the ecclesiastics in charge.
5. Any part of the church and a space of forty paces' circuit about its walls, in the more important churches, or thirty in chapels, etc., could furnish protection.
6. The Indies were to be governed by the law of Castile.
7. Persons enjoying immunity were not to be allowed to remain long in church or monastery.
8. Ecclesiastics were not to be hindered in ecclesiastical jurisdiction, but to be aided according to law.
9. Soldiers, pilots, sailors, artillerymen, embarking in *armadas* and *flotas* to the Indies, etc., and taking refuge in churches and sacred places so as to remain in the Indies, were to be withdrawn and delivered to the commanders of their vessels to return to Spain.

10. Attorneys for the state were to prosecute causes of immunity before ecclesiastical judges in person or through their agents.

The fact that no case is recorded before 1685¹ does not necessarily mean that none had occurred before that time, but only that the New Mexico papers are very fragmentary, because of fire, flood, Indian revolt, and official neglect. In fact, perhaps three-fourths of the whole number of papers have been destroyed. This first known case occurred five years after the terrible Indian revolt of 1680, which had driven the Spaniards to the extreme southern frontier of New Mexico, where they remained practically in exile for about fourteen years, grouped about the Real de San Lorenzo, and the later-organized pueblo of Guadalupe—El Paso del Norte, now Ciudad Juárez, Mexico—for much of the time in a most deplorable condition. Its interest lies mainly in the fact that it is the first, for it throws no light upon procedure. In a petition to the *cabildo* of Santa Fé, then still legally in existence, despite the enforced exile of the *villa* at El Paso del Norte, Sargento Mayor Lorenzo de Madrid and Captain Sebastián González, stated that in the previous year, 1684, being then members of the *cabildo*, they had sent Captain Joseph Padilla, also a member of the *cabildo*, with a despatch for the viceroy of Mexico in reference to conditions in New Mexico. A recent report, recently received they said, was that the messenger had fled to the convent² of Nuestra Señora de Guadalupe. This action, together with his failure to report to the petitioners the delivery of the despatch, led to the suspicion that he had failed to deliver it. If so he was guilty of

a serious offense, which should be punished to the fullest extent of the law, since the despatch for his Excellency was signed and sealed with the great seal of this *cabildo*.

¹ The following cases have been taken from the New Mexican papers formerly in the Library of Congress, now in Santa Fé, New Mexico.

² Convent, here as elsewhere in this paper, is a translation of the Spanish *convento*, and signifies a house for male religions.

They therefore petitioned for a ruling as to whether jurisdiction in the case belonged to the present cabildo or to that of the year before.

The first case in which the actual sanctuary procedure is recorded, occurred in 1697, the year which in England saw the final sweeping away of the last trace of the privilege of sanctuary lingering after the formal abolitionment of the privilege by statute, seventy-three years before.

One Nicolás Ramírez was being tried on suspicion of having murdered an Indian servant and stealing sheep; and the evidence adduced against him seemed also to implicate one Nicolás Rodarte. Finding that the latter had taken church, the alcalde in charge of the case recorded his procedure in these words:

In this villa of Santa Fé, on the eleventh day of the month of June, 1697, I, Captain Diego Arías de Quiros, ordinary *alcalde* of this said villa, in order to proceed in the case instituted against Nicolás Ramírez and Nicolás Rodarte, refugee in sanctuary and convicted criminal . . . requested permission from our father guardian Fray Miguel Trizio, who gave it to me, to receive the declaration of the aforesaid Nicolás Rodarte; in testimony whereof I have signed this with the clerk of cabildo. . . .

The next record is of the declaration of Nicolás Rodarte:

And immediately thereupon, in the said day, month, and year, I, Captain Diego Arías de Quiros, ordinary alcalde, went in company with the clerk of cabildo to the parochial church of this villa of Santa Fé, to take the declaration of Nicolás Rodarte in due form of law, through God our Lord and the sign of the holy cross; and being bidden to make the sign of the cross, that his declaration might be taken, and being asked what was his name, he said that Church was his name; and being further questioned and cross-questioned, he said that Church was his name. In testimony whereof I have signed this with the clerk of cabildo.

The joint trial terminated with the sentence of Ramírez to three months labor on public works, his wages to be used to reimburse the owner of the stolen sheep for his loss, the latter

having withdrawn his complaint in regard to the supposed murder of the Indian. The evidence is less strong against him than Rodarte, to be sure; but the latter, as he is not again mentioned, evidently succeeded in making good his stout insistence upon his asylum rights.

The third case, the trial of Captain Juan Paez Hurtado, 1697-1698, the records of which, unfortunately, are incomplete, brings out some additional phases of procedure, and presents also very interesting features besides those merely legal, related as it is to the turbulent conditions growing out of the reconquest of New Mexico, 1692-1694. Governor Diego de Vargas, who effected the reconquest, had incurred the enmity of the cabildo of Santa Fé in the course of the reconquest, especially, it seems, by certain measures which he adopted to maintain the good will of friendly Indian chiefs. The cabildo, therefore, united with his successor, Pedro Rodríguez Cubero, in prosecuting him and certain of his officials under very serious charges, notably of "graft" of the most shocking kind in recruiting families in Zacatecas, Sombretete, and Parral to assist in the reconquest and colonization of New Mexico. The records of the case in point form a part of the proceedings in the prosecution.

It may be noted in passing that Captain Juan Páez Hurtado, the principal person here concerned, the deputy appointed by Governor Vargas to conduct the recruit, appears many times in later records, always in the guise of a person most highly respected and worthy of respect. This makes one inclined to take several grains of salt with the partisan proceedings here placed on record, since, making all due allowance for the inconsistencies of human nature, it is difficult to believe that he could have been quite so bad as his enemies charged. As in the second case, it seems worth while to tell the story mainly by extracts from the documents themselves.

The record opens with a statement by *Maestre de Campo* Luís Granillo, that having received an order from Governor Cubero for the arrest of Captain Juan Paez Hurtado, he sent

Adjutant Juan de Dios Luzero de Godoy with two others to execute the order. They did not find him in his house, as he had gone to the convent. The statement continues:

And when twice or thrice I summoned him he sent word that he was in the land of the pope, and that he had no mind to come out. If they had anything to say to him they should come thither to notify him; for he knew that Captain Balverde and Alférez Don Martín de Urioste and Don Felix Martínez had been arrested, and said that he would not come out of sanctuary, lest the same should be done to him; and that, having ascertained what had happened, since the coming of the couriers he had lived in the convent and moved all his goods. And I proceeded to sequester his goods, and found nothing in his house but a musket without a stock. And again I gave orders to the officers and squadron commanders to let no beast be withdrawn from the drove (*cavallada*) whether belonging to him or to General Diego de Vargas. Likewise I gave orders to the said officials that, if they should see him without the sanctuary, they should apprehend him and bring him under arrest to my presence.

From the testimony taken from recruited colonists, great in volume, though mercifully incomplete, Governor Cubero made formal charges, mostly of fraud in one form or another in connection with the recruiting and with the distribution of supplies for the colonists. The charges included also an accusation of social immorality and of tampering with the mails, to which offenses the accused had added that of "using his sacred refuge as headquarters from which to cause scandals, disturbing the peace among the folk of this kingdom". In view of these things the governor ordered Granillo to try to catch Paez Hurtado outside of sanctuary, and after securing his person with two pairs of fetters, to send him to Santa Fé; to sequester his horses and all his goods; and, if unable to seize him outside of sanctuary, to summon him by edict according to law. The report continues on May 21, 1698:

In the Pueblo of El Paso of the Rio del Norte, I, Maestre de Campo Luís Granillo, captain and chief magistrate of this jurisdiction . . . , insomuch as I hold an order of the said governor and cap-

tain general, dated October 20, wherein he orders me to arrest and place under guard and send to him in the villa of Santa Fé the person of Captain Juan Paez Hurtado. In order that I might execute the said order I sent the adjutant of this presidio and the other officials and soldiers, and found he had taken refuge within the church of this convent of Nuestra Señora de Guadalupe del Paso, as appears from the first measure, which I put into execution on the last day of October, 1697; and as at present I find myself in possession of a new order of the said governor and captain general, in which his lordship orders me to apprehend him [*i.e.*, Paez Hurtado] if I do not find him in sanctuary; and, having taken steps to arrest him and given secret orders, and having been unable to seize him, I proceeded to summon him by edict, indicting him under all the charges found against the aforesaid; and since the said Juan Paez has committed frauds against the royal treasury and the citizens in the recruit which he made in the city of Zacatecas, and in view of the other charges made in the writ against the said Juan Paez, I ordered these edicts published outside the guardhouse, and in the other houses which I assigned for their dwelling-place; and I required him once, twice, and thrice to appear to make his defense before me within the space of nine days, counted from today, Wednesday, the date of the publication made by voice of the town-crier, there being no other military instruments in this presidio. If he do not appear within the said space of time, I shall proceed to the other measures of justice. . . .

The next record of the case declares:

In the said day, month and year, these edicts were published in the parts above mentioned by the voice of the herald, in a loud and intelligible voice, by the mouth of Miguel Romero, an Indian, native of the provinces of New Mexico, well-versed in the Castilian tongue, there being no other military instruments in this presidio. And I, Adjutant Juan de Dios Luzero de Godoi, caused it to be published with the greatest solemnity possible, in presence of the officers, *alférez*, and sergeant, and sixteen soldiers who were present at the said publication. . . .

On the thirtieth day of the month of May, of this present year of ninety-eight, was fulfilled the term of nine days, of the edicts in which was summoned Captain Juan Paez; and since he has not appeared, nor has any result accrued, I give a new order to the officers of this

presidio, adjutant, alférez, and sergeant, that they observe all vigilance and arrest him if they find him outside of sanctuary.

This vigilance also being fruitless, Granillo issued another order, reiterating much of the wrongdoings of Juan Paez Hurtado, enjoining fresh vigilance on the part of the adjutant and the other presidial officers to arrest the accused outside of sanctuary, and directing that they should proceed

with all solicitude and secrecy; and to that end they shall summon all the soldiers that may be necessary; for this purpose spying upon him, if he issue forth from sanctuary, for all of which I have given power and authority to the said adjutant, Juan de Dios Luzero, and to alférez Don Tomás Gutierrez Carrera, and to Sergeant Juan García de Noriega that they put this order into execution.

He also ordered all the horses and mules belonging to Paez Hurtado not yet secured, to be sequestered and placed in the royal herd, and reiterated former orders that none should be given up without his express order. A later record shows that the orders in regard to the animals were executed.

The record closes abruptly with an order of Governor Cubero, late in the following summer, that all horses, mules, and cattle belonging to Paez Hurtado should be sequestered and sent to Santa Fé to the governor; also that Paez Hurtado's grain crop standing and harvested should be sequestered and delivered to a trustworthy person. The governor's order concluded:

I order the above said maestre de campo, Luís Granillo, that every day he know and inquire whether Captain Juan Paez Hurtado exists and is found in the convent or church of the said presidio of El Paso whither he is fled; and if perchance they answer that he is not there, and that he has departed for the kingdom of Vizeaya, that the said maestre de campo immediately and without delay set forth with the soldiers he may consider necessary, in his pursuit, until he overtake him and bring him to my presence. All the aforesaid the said maestre de campo, Luís Granillo, shall execute without any omission whatsoever, and of all that he does in virtue of this order he shall send me report in legal form.

Though the record gives no inkling of how this specific case came out, it may be interesting to note that when Cubero's term of office ended, in 1703, and Vargas succeeded him by virtue of a royal commission issued shortly after the close of his former term, Paez Hurtado seems to have come again into his own, since a person of the same name appears again in 1704 as acting governor and as testamentary executor of Vargas after the latter's sudden death; and that he lived to a good old age, serving in important official capacities, and being looked up to as one of the most respected citizens of the commonwealth.

The next known case, February-May, 1712, is that of a troublesome individual, Juan de Tafoya, who caused great vexation to the governor by his success in slipping from one sanctuary to another, and thus protected continuing his pernicious activity in stirring up sedition and causing apostasy among the Christian Indians; and against whom charges of oppressing Indians were also preferred. This is more significant because the Indian uprisings of 1680 and 1696 were still fresh in memory and any rumor of Indian disaffection was enough to throw officials and people alike into panie. Any Spaniard who would deliberately work to create dissatisfaction or disturb the existing order was regarded as an undesirable citizen of the worst type. Governor Peñuela, therefore, when report was brought to him of suspicious meetings among certain Indians, issued orders designed to keep these Indians in check by restricting their movements. Tafoya, the reputed author of the mischief, who was said to be going "from pueblo to pueblo, taking refuge in their convents, whence very evil and pernicious consequences are ensuing", from his tampering with the Indians, causing inquietude and apostasy, he ordered on pain of death and being held a traitor to the king not to emerge from the convent where he may be on receiving this notification, to any other of this jurisdiction, and that he leave in peace and quietude the Christian Indians of said pueblos; giving him express notice that in case of his disobedience I shall immediately withdraw him from the convent, and arresting him, place him under guard. . . .

Christóbal de Góngora, clerk of cabildo of Santa Fé, was ordered to go to the pueblo where Tafoya was in sanctuary, and read him this notice in person.

The records of this case are badly mutilated; it is impossible to know all that actually occurred or was said. Góngora at least records that he went to two pueblos where the offender was supposed to be, and asked permission of the religious in charge of their missions to serve the notice upon Tafoya, but failed to find him in either place. Peñuela thereupon issued an edict ordering Tafoya to appear, in person or through an agent, within the space of nine days, to make his defense; otherwise the case should proceed against him according to law. This edict was to be published

in the customary places of this villa [Santa Fé] by the voice of the herald and to the sound of military instruments; and . . . in the said Pueblo of Nambé or in any one of this jurisdiction where the said Juan de Tafoya may be found.

The publication was effected, Góngora certifies, in Santa Fé and in the pueblos of the Teguas jurisdiction, the region where Tafoya resided.

As appeared by an *auto*, however, Tafoya did not appear within nine days, whereupon he was accused of "first rebellion", and ordered to appear within five days. The edict was published for the second time, but the second summons having been unheeded, he was accused of "second rebellion", and was given three days within which to appear. The civil and military secretary, at the governor's order, thereupon caused the third publication of the edict. The governor declared Juan de Tafoya a traitor to the king, ordering all to consider him as such; and empowered Captain Miguel Tenorio de Alva to arrest him wherever found "outside the immunity of the Church", and bring him to the governor's presence, all good citizens being required to give any necessary aid. Four days later, the governor accused Tafoya of "third rebellion", and ordered the papers filed; and, finally, the governor sent all

the papers in the case to the viceroy of New Spain for such farther action as his Excellency might direct.

The next case—the trial of Diego Belasco for killing a sergeant of the Santa Fé presidial company—was pending at the same time as the one just noted, March-April, 1712. The points of interest here are the fact that the father guardian of the Santa Fé church, whither the accused had fled, specified in granting permission to the alcalde to examine the convent to find out whether the prisoner were really present, that all the rights and immunities conceded to the said holy church by apostolic and pontifical bulls should be regarded; that the alcalde, in ordering the examination of the prisoner, directed that in case of the father guardian's refusal to grant the interview, the necessary legal requisition should be made for the purpose of receiving his confession; that between the time of ascertaining the presence of the prisoner and the time of taking his confession a guard of twelve soldiers was placed about the church to prevent the escape; that Belasco, on being questioned, would not reply, except with the protective formula, "Church is my name"; that after the relatives of the deceased withdrew complaint against Belasco, saying that they would be satisfied with a money payment, the latter gave himself up voluntarily, and was regularly tried. The sentence passed is not the least curious feature of the case. For, although it was brought out in the course of the trial that the accused was a quiet, peaceable citizen, and that the killing was clearly in self-defense, Belasco was sentenced to have twenty-five masses said for the soul of the deceased; to make a mill-stone; to make a canoe on the crossing of the Rio Grande, at San Felipe, the timbers to be furnished him, but no pay to be given him; to stay in Santa Fé for four years, to be on hand for the building of the church, or whatever else might offer; wages to be allowed him at the rate of twelve *reales* a day; in default, to be sentenced to four years in the presidio of Pensacola; also to pay the costs of the suit, assessed at forty pesos. The governor-judge gave as the reason for his clem-

ency in not inflicting death sentence the fact that Belasco was the only carpenter in all the country and also understood stone-masonry, and therefore could not be spared!

The next case which possesses any especial interest is that of Captain Alonso Rael de Aguilar, junior, who killed a sergeant of the Santa Fé presidial company in a fight, and who took sanctuary

in the parish church of Santa Fé, which was surrounded by a cordon of fourteen soldiers, stationed within a radius of forty paces from the church, with orders to examine every one who entered or departed on foot or on horseback, men and women, whatever their dress.

All this was in December, 1715; in the following May, the lieutenant governor, Juan Paez Hurtado, on going to the church with the pastor's permission and searching it thoroughly found the criminal gone, despite these elaborate precautions. Paez Hurtado thereupon sent a messenger to the *alcaldes mayores* of four jurisdictions with orders to each to ascertain whether or not Rael de Aguilar had taken church in the jurisdiction, and apprehend him and send him under guard to Santa Fé, if found outside the sanctuary; if not, to certify the fulfillment of the order and send it under seal to the next jurisdiction. Following this order come the certificates of four alcaldes that such had been done, each certifying that no trace of the criminal had been found in his jurisdiction but promising arrest if he were found.

Fortunately for the accused, a royal *cédula* was published on August 1, 1716, promising pardon to all offenders in sanctuary who should volunteer within a week for military service in the Moqui Province. Rael de Aguilar and two others presented themselves in the guardhouse of Santa Fé two days later, craving pardon under this royal *cédula*; and just within the limit came a fourth: all were pardoned; Rael de Aguilar—perhaps because his offense was the worst—being required to report after the campaign for complete acquittal.

The next case is connected in a way, not clearly shown by

the documents, with political complications. Governor Flores Mogollón had resigned his office in 1715, and Captain Balverde Cossío, commandant at El Paso del Norte, had come to Santa Fé with an *ad interim* appointment from the viceroy. Captain Félix Martínez, the quarrelsome commandant of the Santa Fé presidial company, appears as acting governor in the same year. Whether he had contrived to keep Balverde Cossío from taking possession at all, or whether his own succession was perfectly legal, it is at any rate certain that the two disagreed, just as Flores Mogollón and Martínez had disagreed before the latter resigned. Balverde Cossío, being a guest at the time in the pueblo and mission of San Ildefonso, being ordered by Martínez in 1717 to come to Santa Fé to accompany the latter to Mexico, sent word that he was ill and unable to come. Martínez thereupon drew up writs for his civil and military secretary to serve upon Balverde Cossío and upon Francisco Montes Vigil, a soldier of the Santa Fé presidial company, who being summoned by the governor to give account of his stewardship of the Santa Fé company's fund, and realizing his inability to render a satisfactory account, had taken refuge in the same convent. The request was referred by the religious in charge to the custodian, who refused to allow service in the case of Balverde Cossío, on the ground that he was merely a guest of the convent, and that the religious had orders from their superiors in view of the discredit they had suffered in connection with the late quarrels between Flores Mogollón, the soldiers, and Martínez, to keep out of such entangling complications; in the case of Francisco Montes Vigil, the custodian gave permission to the religious to allow the writ to be served,

with the understanding that there is to be no judicial action within the convent, nor can he be withdrawn until it appear to the reverend father whether or no the immunity of the Church may shelter him.

The next case, occurring in a trial for fighting, differs in two points from any which have preceded. The defendant,

who was the aggressor, on being questioned in sanctuary made a full confession; and the reading of the indictment found in the preliminary trial having made it clear that he would find it to his advantage to be heard in his own defense, since otherwise his goods would be confiscated, presented himself in the prison. Thereupon, the case was brought to a conclusion. As his antagonist's wounds were found to be healed, the defendant's sentence was very light—only four months' banishment to Alburquerque and the costs of the suit; afterwards he was pardoned at the intercession of some unnamed influential person.

The next case, February, 1723, presents nothing new, except that the sanctuary man concerned is spoken of as having been found clinging to a cross by the roadside, before he took church, suggesting that there was some idea of protection attaching to the cross.

The next case, in July of the same year, presents another instance of the defendant's presenting himself in response to the summons in the indictment similar to the one previously noted. The defendant, who was under trial for disobedience to certain irrigation orders, to orders following this first disobedience, resistance to arrest, etc., defended himself vigorously; and further pleaded that in view of

the misfortunes that may follow me from my absence from my house and loss of crops and livestock, for since the day when I took refuge to the present they have not been herded, and I have been told that one of my cattle has died in the brush: in view of all the aforesaid, I appeal before the superior tribunal of your honor as deputy governor and captain general of this kingdom that I be liberated and acquitted of the false accusations of the said cause declaring that I am innocent thereof. . . .

Paez Hurtado, after duly considering the case, liberated the prisoner,

noting that the case is not in a state of sentence . . . looking upon him with my wonted piety, in order that he may not lose his crops and his cattle . . . enjoining upon him the implicit obedience

which he ought to render to the mandates of the royal justice, and that he shall take oath before me to be ready whenever the governor shall summon him. . . .

In September, 1731, two hot-headed fellows of Santa Clara fell to blows one day, as a consequence of which one was severely wounded and the other took church betimes. When the matter was reported to the alcalde, he took the wounded man's declaration, and, a few days afterward, went with two witnesses to the mission of the pueblo of Santa Clara; here, after obtaining permission of the minister, he proceeded to take the declaration of the refugee;

who, when I bade him make the sign of the holy cross, answered that Church was his name; when I urged him to say wherefore he was fled to sanctuary, he answered that Church was his name; when I asked who had taken him to the church, he answered that Church was his name; when I asked him who had wounded him, he answered that Church was his name.

The officer, apparently of the opinion that nothing was to be gained by further questioning, closed the interview, and signed his record. Two days later, he recorded another attempt.

I, Captain Domingo Vigil, deputy alcalde mayor and captain in war passed . . . to the convent of Santa Clara to take the confession of the said Joseph Naranjo. Asked what was his name, he answered that Church was his name; asked of what place he was a citizen, he answered that Church was his name; asked if he were a bachelor, he answered that Church was his name; asked if he were married, he answered that Church was his name; asked what had been the motive wherefore he had betaken him to sanctuary, he answered that Church was his name.

Again the deputy stopped to rest and to sign his record; nothing daunted, however, he returned to the attack the same day.

When asked where the quarrel took place, he answered that Church was his name; asked who was with them when they fought, he an-

swered that Church was his name; asked if he were a Spaniard, he answered that Church was his name; asked if he were a mulatto, he answered that Church was his name; asked what was his business, he answered that Church was his name; and asked how he supported himself, he answered that Church was his name.

Evidently the deputy felt that he had done his duty, and that nothing more could be expected of him in that line, so he recorded no further attempts to wring a confession from the offender. Two days before, he had laid an embargo upon Naranjo's goods, and on the same date had certified to Governor Cruzat y Góngora that with his own eyes he had seen the burial of the other party to the fight. After taking farther testimony, therefore, he turned over the case to the governor, who, two months later, solemnly ordered both parties to the difficulty to appear before him within thirty days, on pain of being proceeded against for rebellion and contumacy! The deputy recorded as solemnly that the edict was published as ordered, but that neither dead man nor sanctuary man appeared.

The final outcome of the case is not stated. About two years after its beginning the widow of the slain man withdrew the complaint she had earlier filed against Naranjo, praying that he be restored to his poor wife and children, which document the governor ordered filed, just nine months and three days after the date of its presentation to the alcalde mayor.

In the next case, the offender, a soldier of the Santa Fé presidial company, who had attacked a commanding officer with his musket, left the church of Isleta "under the word of" that officer. The governor cited this fact together with the imprisonment—of three and a half months—suffered by the offender, as reasons for reducing his sentence to that of dismissal from the service.

The next two cases, both occurring in September, 1733, and running for several months each, were both for assault. In both cases the defendant took sanctuary; was interviewed, and

made a full statement. In both, the wounded man recovered, and the assailant was liberated, being required to pay the costs, medical attendance, and any losses incurred by the wounded because of enforced absence from his business.

The next case, also a trial for assault, is in many respects similar to the two just preceding. One point of interest, however, lies in the fact that the two assailants, both of whom had taken church, at first answered each question with the usual protective formula, "Church is my name"; after the question was thrice repeated each dropped the formula and made a full declaration, the first answers doubtless having been intended to impress more strongly upon the questioner the fact of church protection.

In case twenty-one, Governor Mendoza recorded that eight soldiers with their commanding officer, detailed for service at Alburquerque, had neglected their duty, and that the Indians had stolen their horses. He continued:

Whereupon I, Lieutenant Colonel Don Gaspar Domingo de Mendoza, governor and captain general of this kingdom of New Mexico, sent an order in writing that said commander with his command return to this capital, to determine what might be most expedient; and, my order having been made known to them by the deputy of said jurisdiction . . . they treated it with contempt and fled to the sanctuaries of the churches of Alburquerque and those of the Pueblos of Cía and Isleta; and I having pledged to them my word of *caución juratoria*, the said commander and eight soldiers appeared in this capital, where they are now prisoners in the public prison of said capital. I caused them to be summoned to my presence, questioning them under the accustomed oath, that they might present their defense and declare what moved them to take flight and not come at my summons. . . .

The commander responded that he had disobeyed superior orders and fled into sanctuary because the lieutenant had exhibited orders to collect arms and sequester the commander's goods for 440 pesos he owed the presidio; the eight soldiers, that they had feared punishment for the recent loss of the horses.

Thereupon the governor recorded that in view of their repeated disobedience to his summons to appear before him, their conspiring together, their desertion and flight, having retired to the immunity of the sanctuary . . . although I ought to inflict the extreme penalty which his Majesty orders against military offenders, who betake themselves to sacred immunities, I have deemed it expedient, departing from the severity of the edicts and proclamations with which they ought to be summoned to appear to present their defense, and in default thereof to apply to them the law of contumacy and rebellion with the penalty of death and of inability to live in all the dominions of the king our lord, and of liability to be apprehended whensoever they be found outside of sanctuary by the ordinary justices, who may inflict upon them the penalty for rebellion and contumacy, without being obliged to surrender them to the military judge, if only they know that sentence has been passed upon them by the council of war: yet, considering the newness of this country and the possibility of their ignorance of the above-mentioned, I have determined to discharge all the deponents, and replace them by persons fit for service; pronouneing them by way of sentence disqualified for the service of the king and for drawing their salaries; disobedient, abusive of their superior's orders, being all implicated in one offense.

It is difficult to determine just what law the governor here cites. The only royal declarations found on the subject of soldiers' sanctuary rights between the date of the laws already summarized and the date of this case, provide only for the official withdrawal of deserters for service, under *caución juratoria* not to punish them unless they commit new offenses, and for the procedure in determining soldiers' rights to immunity.

In case twenty-three the offense is not stated; there is merely the correspondence between the ecclesiastical judge, Miguel de Oleachea, of Las Caldas, and Captain Alonso Vidores Rubín de Celis, of the presidio of El Paso del Norte, over the claim of Pedro Garzía Jurado to ecclesiastical immunity as against a sentence of banishment by Governor

Codallos y Rabal. The ecclesiastical judge stated that he was the proper judge of Garzía Jurado's right to immunity, and ordered the commandant to see that the sentence of exile be not carried out, but that the appellant be kept in security at the presidio, without the least mistreatment,

at the account and charge of this my ecclesiastical court, until a new order . . . under penalty of major excommunication. . . .

The commandant replied that he knew there were higher tribunals competent to determine the case; that he had no one to advise him whether he should defend the royal jurisdiction; that he would keep the prisoner, as requested, but could not guarantee his security, since the adobe prison was unfit, and the soldiers too much occupied to serve as guards; and that he would refer the case to the viceroy.

Case twenty-four (1751-1752) is of a *Lobo* (Indian), who, being under trial for assault upon the governor's steward within the governor's storehouse, fled to sanctuary in the Santa Fé church. Being questioned there, he answered the first question as to why he had gone to the governor's palace, but parried the rest with the protective formula. Later, he escaped to Santa Cruz, where he again took church. Some seven months afterward, a complaint was filed against him for committing assault, with intent to kill, upon another man. This time, he was arrested in Santa Fé, and, his trial being finished, he was sentenced to one hundred stripes; and, in mercy, since his imprisonment for one and one-half years had in part purged his offense, to ten years and one day's banishment in the district of Tomé, jurisdiction of Alburquerque.

In case twenty-five (1757) occurs for the first time a request for the delivery of the refugees to the secular authorities by the ecclesiastical. Two prisoners escaped from the Santa Fé guardhouse and took refuge in the Santa Fé church. Guards were placed about the church, the offenders were thrice summoned by edict cried by the herald and posted on the doors of the *casas reales*; but still they failed to give them-

selves up. Thereupon the alcalde mayor of Sante Fé sent the following communication to the ecclesiastical judge:

I, Don Francisco Guerrero, alcalde mayor and captain in war of this villa of Santa Fé and its jurisdiction, to you vicar and ecclesiastical judge of this kingdom, Don Santiago de Roibal, give notice that two criminals who were in the prison of this villa, named Diego Antonio Marqués and Juan de Venavides, have taken flight therefrom . . . and it appears that they are fled into the parish church of this villa of Santa Fé. I exhort you in the name of his majesty (may God preserve him), and on my part I pray and charge you that you be pleased to provide well for the security of said criminals, and in such form that they may not flee or become apostate, passing to the *rancherías* of infidel Indians of the barbarous nations who inhabit these environs (on account of the serious hurt which may result therefrom, since I have information that said criminals have presented to you a writing setting forth that if you surrender them to the royal justice, they will rather apostatize; and he who has the audacity to suggest it will not be above executing it); and so until the sentence is pronounced; and if this involve the shedding of blood, the point of immunity will be discussed. . . .

The ecclesiastical judge replied that, although always ready to comply with requests of the royal justice he could not do so in this case, because the refugees had presented a writing

by which they beseech and supplicate that I shelter them, and that if I surrender them, or send them to the prison of this villa, they lay upon me the charge of the loss of their spiritual and corporal life . . . which weighs heavily upon my conscience; for the only means that I had to secure them was to ask royal aid from governor and captain general of this kingdom, that he order them to be secured in his prison, because I have none. And in this many difficulties are presented to me by what the said criminals say in their above-cited writing, namely, that only if they be quartered will they return to the jail. Therefore I dare not, nor do I decide for fear they will do as they say, and that blood be shed, and I be involved in an irregularity; for which very weighty reasons I cannot secure them, much less imprison them in the house and dwelling of the reverend missionary fathers of this villa, because they may not permit it.

He stated further that he had asked for instructions from the bishop of Durango; that if the alcalde were not satisfied with this answer, he might appeal to the bishop or to the vice-custodian of the New Mexico mission.

The alcalde transmitted the papers to the governor, who in view of the refusal of the ecclesiastical judge to secure the prisoners issued orders to the commandant of the presidio for the withdrawal of the sentinels hitherto stationed about the church, and to the alcaldes of the villas and six most important pueblos of New Mexico for the arrest of the criminals wherever found outside of sanctuary, any citizen or Indian failing to give due notice to the alcaldes, or helping the prisoners in any escape, to be punished as accomplices. All these officials certified the receipt and publication of the orders, but no farther account of the criminals appears.

From this time forward, the "secular arm" was stronger. A royal cédula of April 5, 1753, provided that if a crime whereof a refugee in sanctuary was accused were notably one of those not entitled to sanctuary protection, the refugee might be at once withdrawn, if there were imminent danger of his escape, under *caución juratoria* only, without the necessity of showing the record of the preliminary trial, that he might be prevented from fleeing or committing new excesses, until the question of immunity should be decided. The ecclesiastical permission should first be asked; but if it were withheld the criminal should nevertheless be withdrawn.

In November of this same year, the withdrawal of a man on trial for assault was demanded of the same ecclesiastical judge, Santiago de Roibal, on the ground that he had no right to immunity. Roibal answered that he would give up the offender as soon as he should receive *caución juratoria* that the criminal should be secure from death or mutilation of members or bloodshed. For some reason not recorded, the refugee was not withdrawn.

In March of the following year, complaint was lodged against the assailant for coming out of sanctuary at night and

mutilating an ass belonging to the soldier whom he had attacked the fall before. Thereupon the governor sent by the alcalde mayor of Santa Fé a letter to the ecclesiastical judge setting forth the facts in the case, and requiring that the criminal be secured in sanctuary, or else the judge would be held responsible should any further trouble ensue. Roibal answered this time by requesting the governor to take charge of the offender and imprison him, specifying that until the question of his right to immunity should be decided, he should be secure from extortion or mutilation of members, and that the governor should give as security either caución juratoria or a receipt stating that he would be personally responsible for the criminal on the part of holy church.

The governor answered that he did not ask the person of the criminal, but his security; that the ecclesiastical judge, if he so desired, might place the criminal in the public prison under ecclesiastical immunity until the latter of his own will submitted to the secular law and jurisdiction. Roibal thereupon agreed to give up the criminal, stipulating that "he is still to enjoy ecclesiastical immunity".

On the same day Vicente Sena, the criminal, petitioned the governor to look upon him with mercy in view of the mysteries that day celebrated by our Mother Church, in order to his punishment; saying that since he could not meet his obligations without using his trade, his refuge being a prison, he was ready to satisfy the injured and doubted not that the latter would forgive as a Christian act; he placed himself in the governor's hands and prayed that his punishment might be mitigated.

On the following day, the governor, as he had promised in his application to the ecclesiastical judge, summoned Sena to appear within four days to be tried in the secular court, saying that if he should not appear freely without the refuge and law of the church in the time specified, definitive sentence would be pronounced against him. This edict was to be thrice

published by the voice of the herald at the door of the guard-house, twice in one day, morning and afternoon, the third time on the second morning. After the first crying, however, the criminal presented a writing to the governor submitting himself entirely to secular law. On ascertaining the genuineness of this document the governor sent it to the ecclesiastical judge, who certified to the genuineness of the paper, approved the governor's action, and stated that he had nothing to ask, allege, or defend. The trial now proceeded to its end in the usual form.

The sentence pronounced imposed three years' exile in Alburquerque with liberty to work as he chose, to take his wife and family, to leave the kingdom once a year if necessary; the costs of the suit; with arbitrary punishment should he return to Santa Fé before the expiration of the three years. The injured man was to serve two months among those detailed to guard the horses.

Case twenty-seven, which occurred in the trial of two brothers as principals, and their mother as accessory, for robbing the public warehouse in Santa Fé of supplies for the soldiers of the Santa Fé presidial company, contains a request from the governor for the surrender of one of the criminals, who had taken church in Alburquerque. The ground for the request was fear lest he escape and apostatize and influence the Indians to commit atrocities. Fray Manuel Roxo, to whom the request was addressed, answered that, with the aid of the justice of the district he had secured with fetters in the mission the person of the criminal; and he referred the governor to the ecclesiastical judge, Santiago Roibal. The governor accordingly preferred his request to Roibal, who answered that his own jurisdiction extended no farther than to Santa Fé and its district. Again, therefore, the governor addressed himself to Fray Manuel Roxo, stating that the security of the prisoner was not assured, that the guards could not be maintained at the prisoner's expense and would be a burden to the

public. Under the cédula of April 5, 1764, he demanded the surrender of the prisoner,

under caución juratoria which I make, that no injury shall be inflicted upon him, nor any extortion, until you, as ecclesiastical judge, shall determine whether or no he is entitled to the benefits of sanctuary; and that the said deputy will give a receipt after his surrender; and if your paternity shall resist the extraction of the said criminal I shall see myself obliged to put into practice the mandates of the above cited cédula.

Fray Moya thereupon surrendered the criminal "in the name of our holy Mother Church", in view of the governor's caución juratoria; though the offense is not one of those exempted by the Gregorian bull of May 25, 1591. The prisoner was then duly placed in the guardhouse and his confession was taken in due form. About a month later, so the record runs, the other brother, a prisoner in Santa Fé, broke jail and took sanctuary in the Santa Fé parish church. His surrender was also asked—this time of Roibal, on the same ground and conditions as his brother's. The two being now in prison under caución juratoria, the governor referred the case to the viceroy. With this the record ends.

This trial also enjoys the distinction of being the only one extant in which a woman took church; the mother of the two criminals, becoming implicated early in the trial, fled to the Santa Fé parish church to avoid arrest; no further mention is made of her.

In case twenty-eight (1768-1772) two men on trial for cattle-theft, took church in Alburquerque. Fray Moya, asked by the alcalde mayor of Alburquerque for their surrender, again tried to evade responsibility, referring the case to Fray Miguel Gómez Canzuela, who refused the surrender till after the question of immunity should be settled. Afterward, however, the criminals voluntarily surrendered to the secular authorities. Thereupon the trial proceeded, and they were sentenced to work until they had repaid the owner for the

value of the stolen cattle. The other persons accused were released.

In case twenty-nine, also a trial for cattle-theft, one of the four accused men named Yendo took church in Santa Cruz, whence he was surrendered promptly by the ecclesiastical judge, under *caución juratoria*, by virtue of the *cédula* of April 5, 1764; and the trial continued. When the sentence was pronounced, Yendo was released—the ecclesiastical judge being notified—in view of the fact that he had already been punished by a deputy *alcalde*, though he was to be bound to a master to keep him from vagrancy. The others concerned were acquitted or fined according to their degree of guilt. Yendo's taking of sanctuary may have helped him somewhat, though the failure to state what was his previous punishment precludes such an assertion; and the confused account of the trial makes it as hard to say how his guilt compared with that of those who received heavier punishment.

In case thirty the *alcalde mayor* of Abiquiú went to the church and asked permission to take the confession of an Indian refugee on trial for assault. The ecclesiastic, having no means of securing the criminal, and fearing apostasy, offered to give him up, "on account of the Church". But as the wounded man afterward recovered, and as he made no complaint against the Indian, the latter was released on a sort of suspended sentence.

In case thirty-one (1796) the refugee, on trial for manslaughter, was withdrawn under *caución juratoria*, and placed in the royal prison (the guardhouse) by the commander of the Santa Fé presidial company, who tried the case. An interesting point in the record of the succeeding trial is the plea of the "procurator" assigned for the defense of the accused, who pleaded as extenuating circumstances the necessity of self-defense, the temperate conduct of the accused, etc., ending with a plea for the efficacy of his taking sanctuary. The laws from time immemorial have freed from all capital punishment any criminal who in time takes refuge under ecclesiastical

immunity, taking church regularly designated as a sacred refuge, even when the homicide was committed with infamy and premeditated intent. There are no such unfavorable circumstances in this case. The fact that the homicide was committed in natural and proper self-defense, and that "holy Church under its ecclesiastical immunity declares him free in the very act of opportunely taking its sacred refuge" ought to free him from all penalty.

The judge, as usual, transmitted the papers to Governor Chacón for final judgment. The latter referred the case to the royal audiencia of Guadalaxara. That body ordered the defendant to be released somewhat more than a year after the opening of the trial.

Of the thirty-second and last case, there is no record save a letter of Pedro de Nava, commandant general of the internal provinces, dated December 21, 1796, to Fernando Chacón, governor of New Mexico, approving the latter's action in sending back a deserter from the presidio of San Buenaventura, who had taken church in Santa Cruz on November 3 of the same year.

In attempting to draw any general conclusions from these records, one is confronted by the fact that their fragmentary character renders any great amount of reliable generalization impossible; notwithstanding this limitation, however, the recorded cases afford some exceedingly interesting glimpses into the way things went when offenders took church to evade paying the penalty of their misdeeds.

In the first place, it is interesting to note that no defendant to a civil suit is recorded as taking sanctuary. This may be explained by the fact that under the law only the person of the debtor and not his goods could be sheltered thereby; though of course it is possible that such cases may have occurred, and that the records may have been lost.

As to the crimes and misdemeanors involved in these thirty-two recorded cases, even a somewhat liberal construction of the laws of Castile would have excluded several cases

of violence; and a judge learned in the law and conscientious in enforcing it would doubtless have reduced the number even more. But New Mexico judges were not learned in the law; and with all the advantages of the secular over the ecclesiastical authorities under the New Mexican mission system, with all their characteristically Spanish zeal to keep the church in its place, the civil magistrates had a reverence for the church, and an aversion as characteristically Spanish to coming under churchly ban.

Moreover, New Mexico was a long way from Castile. Bernard Moses quotes a most charming paragraph from Paul Groussac to the effect that certain provincial governors of South America invented

this exquisite formula, which, when these decrees [of the Council of the Indies] were not agreeable to the governors, was gravely placed on the margin of the document: "*Se obedece, pero no se ejecuta*" [obeyed, but not executed].

Although I have found no such formula written upon the margin of any New Mexican document, practices in New Mexico were not greatly unlike those in South America.

Besides, it is but fair to state that much of the time comprehended in the period under question was included in the period already noted in the hasty survey of Spanish legislation, in which church and state were so at variance in matters touching ecclesiastical immunity that it must have been hard to tell just what was the law.

It is not surprising, therefore, to find the right so long invoked in cases where the offender might have reason to fear violence to his person. Nor is it surprising, in view of the notoriously hot tempers of the Hispanic Latin races, to find crimes of violence predominating in the recorded cases; it is likely that such offenses would be found to predominate if the records were all extant. After these in order of frequency come cases of theft or fraud, neglect of duty, political offenses, resistance to official authority, gambling, and in one case the offense is not stated.

No record has been found of any question ever being raised in all the hundred and more years covered in this account as to the right of any refugee to the protection of the sanctuary, except in one case, the record of which is not complete, in which the governor banished an offender claiming ecclesiastical immunity. If only one had forethought enough to take sanctuary before his offense was reported to the alcalde, or failing that, if he had better legs and longer wind than his pursuers, it was enough. Once within the convent, church, or mission, he could not be touched or even questioned save by the consent of the *padre* in charge of the sacred place; nor when questioned was he obliged to answer. In the case of serious offense, the most that was done by the secular authorities was to place guards about the sanctuary, with orders to arrest the accused if he could be caught without the traditional limits. If he obstinately remained within cover, or if he contrived to elude his guards and escape to another sacred place he might be summoned by edict, published by the herald, to appear voluntarily before the court and subject himself to trial; or the governor, who was also the highest judge of the province, sent a messenger throughout the jurisdictions of the province, requiring every alcalde to make sure of every sacred place in his district, and enjoining vigilance with a view to arresting the offender outside of sanctuary.

There was no distinction of persons; all classes, from the Indian or half-breed who could not sign his name, to the deputy governor, are represented among the forty or forty-five persons involved in the thirty-two cases. As noted above, there was only one woman among them, the mother of two thieves, herself accused of receiving their booty.

Nor was there any distinction as between one sacred place and another. Any parish church, mission, or convent in the whole province could shelter a refugee within its walls, or within the traditional space of thirty to forty paces' circuit without. The royal cédula dated November 2, 1773, ordering that not more than one church or two, at most, in any munic-

ipality should enjoy the right of immunity, had practically no effect in New Mexico, as there was not in all the province a pueblo or villa which had more than one church, except possibly Santa Fé, whose presidial chapel, mentioned specifically in 1796, probably existed earlier, a presidial chaplain being mentioned as early as 1727.

It goes without saying that abuses of this privilege were bound to occur, for human nature in New Mexico was not essentially different from human nature everywhere else. It was possible for such pestilent fellows as several here noticed (especially the fomentor of sedition among the Indians, who in spite of the edicts thrice cried by the herald, and in contempt of the royal justice, had so convenient—but from the authorities' point of view, so provoking—a fashion of slipping from one sanctuary to another) to make themselves nuisances of the first degree by constituting the sanctuary of their choice headquarters whence they sallied forth to repeat their offenses.

In the extant records the largest number of instances occurred in the three villas, Santa Fé, Alburquerque, and Santa Cruz, in the order named. After them come the pueblos of Guadalupe (El Paso del Norte), San Ildefonso, Santa Clara, Isleta, Cía, San Juan, Bernalillo, and Abiquiú. As one enterprising haunter of sanctuaries seems to have honored pretty well every sacred place in the province by fleeing thither, it is possible that each one named and sundry others might be credited with at least one case more.

The fragmentary quality of the record precludes any positive statement in regard to the exact effect of this practice upon legal procedure. It is impossible to tell whether the thirty-two cases of which I find records or citations in the hundred and eleven years between the first and the last instance represent the total number in which this right was exercised, or what proportion they bear to the total number of criminal cases of the time. Even if the number of recorded cases should be assumed to represent the total, it would hardly

be possible to estimate with any degree of assurance its precise influence. Theoretically, of course, it operated as a mitigating influence, yet it is doubtful whether there was after all any great practical result. In the early instances the offender could be got out of sanctuary only when he voluntarily gave himself up to the secular authorities. If he chose to spend his entire life in the church or mission where he had taken refuge, and avoid being apprehended outside a space of thirty or forty paces' circuit about the walls, he could escape the penalty altogether in spite of the law against long continuance in sanctuary. If he thought it better policy to give himself up and end his troubles at once, there was apparently little difference between his fate and that of persons who had not invoked the aid of Mother Church. No sentence of death, to be sure, could be passed upon him, but the death sentence was very rare even for murder, the Germanic principle of compensatory damages being preferred in most cases where conviction was secured. As time went on, and more and more restrictions were thrown about the exercise of the right, and as laws were more strictly enforced, even the satisfaction of choosing his prison was no longer his, since he could be withdrawn under oath of the magistrate not to injure him in life or limb.

There is little, too, to throw direct light upon the economic and social effects. Of course, the refugee who remained in sanctuary for a long time must perforce let his ordinary business go by the board. One offender, in a petition for his trial and release asserted that things had gone badly with his property since he took church. It is equally a matter of course that the possibility of an offender being able to evade the just deserts of his misdeed, must have had a bad effect upon the morals of the people, and that it must have reinforced the tendency of a blighting paternalism in government to take away the sense of personal responsibility. Yet, as New Mexico was not widely famed for either thrift or inherent law-abiding

qualities, it is possible that no great change was wrought by the practice.

On the whole, therefore, so far as New Mexico is concerned, the right of asylum in that region is of greatest interest as a survival of age-long laws and customs which in their inception and early development offered some element of mercy to offenders or suspected persons. As practiced in New Mexico, the right is not devoid of a certain element of picturesqueness. To what extent it shaped civil law in that region or in any of the other parts of the Americas can not be told without very extensive and intensive study of civil and ecclesiastical courts in all their ramifications. Naturally as the civil courts became stronger, the practice lost in efficacy and was bound in the natural course of events to disappear.³

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³ The part of the foregoing paper which refers to New Mexico itself is based wholly upon source material in the manuscript records of New Mexico, found by the writer as a by-product of her work upon a calendar of these papers (published in Ralph Emerson Twitchell's *Spanish Archives of New Mexico*, in 1914), while they were in the Library of Congress. They had been transferred thither by the federal government from the Territory of New Mexico; they were returned to Santa Fe some years after New Mexico became a state. Despite the gaps noted in the body of the paper, these records are invaluable, especially for the reconquest and the following century and a half. The background and interpretation are based partly upon primary and partly upon secondary sources. The most noteworthy items among the primary sources are the English Bible; *Bullarium Romanum*; *Corpus Juris Canonici*; *Codex Theodosianus*; *Codex Justinianus*; *Fuero Juzgo* (mostly as cited in *Enciclopedia española*, in article "Asilo"); *Las Siete Partidas*; *Novisima Recopilación de las leyes de España*; *Recopilación de leyes de Indias*; cédulas, orders, decrees of Spanish kings, 1498-1835; and extradition treaty between France and Spain, August 26, 1850 (cited in *Enciclopedia española*, article "Asilo"). Among the numerous secondary sources used may be mentioned the *Cyclopedie of Law and Procedure* (article "Asylum"); Joaquín de Escriche, *Diccionario razonado* (Madrid, 1874-6; —article "Inmunidad eclesiástica") Bernard Zeger van Espen, *Jus Canonicum universale*. IV. "Dissertatio canonica de intercessione sive interventione . . . et de confugientibus ad ecclesias"; Teodoro Gómez Herrera, *Diccionario-guía de legislación española*; and "Right of Asylum" (in *Green Bag*, VIII. 422).

DOCUMENTS

FRENCH DESIGNS ON PARAGUAY IN 1803

As revolutionary France gained a position of preëminence in Europe reminiscent of the palmy days of Louis XIV., it was but natural that minds should once again take interest in overseas affairs. The pride of the nation demanded more than mere continental glory. At first, French nationalists directed their attention to the lost brethren in Louisiana and Canada whom they declared to be groaning under the foreign yoke. In the United States, for example, Gênet and other emissaries from Paris fairly burned to restore these former possessions to *la patrie*. But as time went on and the duel with England for world mastery became ever more bitter, additional colonial territory was sought with two other purposes in mind, first, for the sake of greater commercial and political power, and second, in order to prevent the same from falling into the hands of the English. In 1795, France secured the eastern part of the island of Santo Domingo from Spain, and three years later attempted to make of Egypt a French colony. Colonial policy was taking on the form of *Realpolitik* rather than sentiment.

From the moment that Spain entered into active alliance with France in 1796, its colonies were more or less at the mercy of English attacks. For Spain was unable to protect them adequately, and the backward state of these possessions augured ill for their success in defending themselves. Under the circumstances, many Frenchmen did not fail to voice the opinion—as have certain Americans in our day about Mexico—that France, the most enlightened and powerful nation in the world, should take over the administration of various parts of the Spanish colonial empire. The number of proposals to this effect to be found in the French archives is legion. Many of these manuscripts are unsigned, and even in cases where the names are given they are usually unimportant. The me-

moir printed below has a special significance owing to the fact that the author was a brother of Jacques de Liniers, the famous viceroy of La Plata and count of Buenos Aires.

Born of a noble family in 1749, Henri de Liniers early entered the French army in which he held the rank of colonel of infantry at the outbreak of the revolution. There seems to be little information about the rest of his life beyond what he tells himself in the first part of his memoir. His departure from France for South America occurred in 1790, as he states, but only after a royal order from Aranjuez of June 5 of that year had recognized his right to the rank of colonel in the Spanish army.¹ According to one account, he first traveled about Europe before joining his brother in Buenos Aires.² After his trip to Europe in 1802 and 1803, he returned to Buenos Aires where he died in 1809.³

After explaining his emigration and protesting his constant fidelity to France, Liniers launches into his project to exploit the rich mines in the mountains just north of Maldonado, a Spanish port at the mouth of the Rio de la Plata.⁴ Precious metals abound there such as gold, silver, and copper; frequently particles are visible on the surface of the ground. As mine labor Liniers would employ slaves, and in fact he has already secured the privilege of importing negroes into the Spanish colonies. And, since the present low population of France prohibits the dispatch of useful and industrious men to the place, experienced German miners from among the new citizens of the Republic (this doubtless refers to the inhabitants of the left bank of the Rhine granted to France by the Treaty of Luneville) could be sent to direct the negroes. Liniers suggests that Bonaparte appoint proper authorities to head the enterprise.

¹ Paul Groussac, *Santiago de Liniers, Conde de Buenos Aires* (Buenos Aires, 1907), p. 5 note 2.

² Jules Richard, *Biographie de Jacques de Liniers, Comte de Buenos-Ayres et Vice-Roi de la Plata, 1753-1810* (Niort, ?), p. 70.

³ Groussac, *loc. cit.*

⁴ Archives Nationales, AF IV. 1211, no. 46.

This settlement once established on the flank of the Spanish and Portuguese possessions, an attempt could be made to seize the southern part of Brazil and possibly the whole country. Five or six thousand troops would be sufficient to reduce the corrupt Portuguese garrisons. Upon reaching the little colony of Germans the French forces would receive supplies, guides, maps, etc. So far as the Spaniards were concerned, Liniers anticipates no trouble. They are not powerful enough to oppose a French landing at Maldonado; besides, they would be glad to have protection against the English, who harbor designs on the Plata region. The latter questioned him about it when he was their prisoner at Lisbon.

These ideas struck Bonaparte's ever-active imagination. In a marginal note he asked Fleurieu to let him know what he thought of the memoir. And this at the very time when an impending war with England was threatening the safety of all the colonies! For it appears that the document was submitted to the government in March as, although neither it or the note of the First Consul is dated, Fleurieu's reply enclosing his report is headed Paris, 10 Germinal an XI (31 March 1803). Among the events of the month were the recalling of the Decaen expedition on its way to India, the postponing of the departure of the Victor expedition intended for Louisiana, and the summoning to France of all warships scattered in colonial waters.⁵ It is possible that Bonaparte might have read the manuscript before the 11th, when bad news from England determined him to send out these orders, and hence felt comparatively free then to consider the schemes of the author. Nevertheless, one may well doubt whether in those days of action a member of the government would have ventured to delay a report from say the 10th to the 31st. The probabilities are that Bonaparte continued the whole month to build colonial castles in the air even though he outwardly took measures for protection against a renewal of the conflict with the

⁵ Gustav Roloff, *Die Kolonialpolitik Napoleons I* (Munich and Leipsic, 1899), p. 146.

English. His decision to sacrifice Louisiana was not made until April.

Charles Pierre Fleurieu, councilor of state and formerly (1790) minister of marine, says in his letter to Bonaparte (*pour lui seul*) that he found it very difficult to get information about the Spanish colonies.⁶ On Paraguay in general, he consulted the history by the Jesuit Charlevoix, which was the only work available on the subject.⁷ La Cruz's great map of South America afforded certain topographical details not to be found elsewhere.⁸ Finally, Fleurieu sought further information from Don Felix de Azara, the brother of the Spanish ambassador to France, who knew more about the country than anybody else.⁹ His method of procedure was to place the map before Azara and lead him to Paraguay without letting him get the motive for the questions.

On the basis of facts obtained from these sources, Fleurieu condemns under four headings the colonial plans of Liniers.¹⁰ In the first place, the Ville de Mines, which Liniers speaks of, is but one of a considerable number of small towns or hamlets to be found in that part of South America. Secondly, particles of gold lying on the surface of the earth apparently do not lead to hidden veins of ore, for it is well known that the inhabitants engaged in searching for the precious metal cannot make a living. Thirdly, the chain of mountains shown on the La Cruz map situated to the northwest of Maldonado and north-northwest of Montevideo, and which bear the imposing and seductive name of Sierra de Oro—these mountains are only hills. Moreover, most of this part of South America is low country frequently inundated. Fleurieu doubts whether

⁶ *Arch. Nat.*, AF IV, 1211, no. 44.

⁷ Pierre François Xavier de Charlevoix, *Histoire du Paraguay* (Paris, 1757).

⁸ This map was published in Madrid in 1780, and an English edition by Faden appeared in 1799 despite the efforts of the Spanish authorities to keep it out of circulation.

⁹ He had once been sent on a mission to South America to determine the boundary between the Spanish and Portuguese territories there.

¹⁰ *Arch. Nat.*, AF IV, 1211, no. 45.

nature would assemble her treasures in such a place. Nor can he believe that the Spaniards who have so ardently sought the precious metals for three centuries would have neglected to exploit this Sierra de Oro, so near their excellent port of Maldonado, if ore really existed there. In his fourth point, the councilor admits that Liniers may have private information—foreign to the Spaniards themselves—about this part of Paraguay. He sees no inconvenience to the French government in letting Liniers proceed with his speculations on a foreign soil; the First Consul may see none in designating to him some reliable and intelligent Germans capable of directing or at least attempting the exploitation of the supposed mines. He fears, however, that the colony of miners may face starvation if the mountains fail to yield any treasure.

With regard to the scheme for attacking the Portuguese settlements by the aid of the colony of Germans, Fleurieu declines to commit himself. His report closes with the words: "Nobody in the whole world is better fitted than the Citizen First Consul to appreciate the value of such a project. . . ."

Bonaparte was prevented, however, from acting on such a proposal by the outbreak in mid-May of another war. His navy was too weak for exploits of this kind. Later on, in 1806 and 1807, he received letters of admiration from Jacques de Liniers, which led him to believe that the viceroy would voluntarily embrace the cause of Joseph in 1808.¹¹ Perhaps his faith in the loyalty of Jacques, unwarranted though it proved to be, was strengthened by this memoir of Henri.

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¹¹ Marquis de Sassenay, *Napoléon I et la fondation de la République Argentine: Jacques de Liniers, Comte de Buenos Aires, vice-roi de La Plata, et le Marquis de Sassenay, 1808-1810* (Paris, 1892), p. 5.

THE ORIGINAL MEMOIR

Citoyen premier consul

[Arch. Nat., AF IV 1211, no. 46.]

à lire
 Je prie le Cito-
 yen fleurieu de
 me faire con-
 naître ce qu'il
 pense de ce me-
 moire.

Le 1er consul
 Bonaparte
 A. N. 4426

Lorsque je quiter la france il y'a treize ans, je neus d'autre but et d'autres motifs que le Retablissement de ma fortune. Ruinée par les decrets de l'assemblée nationale, par les acquisitions que ces memes decrets Reduisaient à Rien, et par les constructions et des réfrichements à peineachevés, je n'avait aucune idée d'emigration et ne soupçona pas qu'il dût y'en avois une; en un mot, je n'eus pour objet que de trouver les moyens de satisfaire à mes engagements et de pouvoir laisser à mes enfans quelques moyens de subsister. Mes vues se portent vers l'Amerique meridionale sur la quelle j'avais des notions très exactes et de puissantes Recommandations a La cour d'espagne,—faciliterent L'execution de mes plans et je fus expédié pour La Riviere de La Plata vers L'automne de 1790. Au milieu des travaux que nécessitait ma position, je n'ais jamais perdue de vue ma patrie, j'ai sans cesse conserver le desire de La Revoir, et l'espoir de La servir, et ces sentimens profonds et indestructibles ont dirrigés toutes mes observations sur un pays très peu conu, même par ses possesseurs.

Sur La Rive nord, et presque a L'embouchure de La Rivière de La plata est situé le port de Maldonado. La contrée environante est peut être la portion du globe La plus favorisée de la nature, car elle réunit, ou peut produire presque tous les objets de commerce ou de culture que L'on Recontre épars sur la surface de la terre, depuis la pêche de la baleine jusqu'aux productions de la zonne torride, un climat temperé et parfaitement salubre et une fecundité qui doit paraître fabuleuse en europe.

Les boeufs, Les chevaux et Les moutons que les espagnols y ont transportés, ce sont tellement multipliés, que La valeur d'un cheval ou celle d'un boeuf, ne passe pas cinq francs de notre monaye, en Remettant Le cuir du boeuf au proprietaire par sa position topographique. Maldonado est veritablement La clef de l'amerique meridionale et sera bientôt le seul port praticable qui Restera aux espagnols dans cette contrée et un consequence de tous ses avantages cest de toutes leurs possessions La plus negligée par eux.

A trente lieus ou environ, au nord de Maldonado, coule Le Rio grande, qui sert de Limite aux etablissemens portugais de sa partie du Sud du bresil. cette derniere puissance y possede un etablissemement assés considerable à L'embouchure de La Rivière, connu sous de nom du port St. pierre.

Dans les Rapports politiques qui subsistent entre L'espagne et la Republique francale, il parrait y avoir une espece d'impossibilité à former une colonie francale dans cette partie du monde: cependant je n'ai pas desespéré d'en fonder au moins La Base, et je vais avoir L'honneur de vous Rendre compte de mes negociations et de mes succès à cet égard.

A La distance de treize lieues nord-ouest de Maldonado, court une chaine de montagne qui Renforme des vallées très fertiles, et une multitude inombrable de bestiaux a peu près sauvage. Ces montagnes contiennent de L'or de L'argent, du cuivre et des pierres precieuses, mais les mines quelles Renforment n'ont jamais été exploitées sans que l'on en puisse appercevois les Raisons. cependant La facilité de Recueillir une partie de ces metaux qui souvent se montrent à fleur de terre : ou qui sont entrainés par les torrents a occasioné L'établissement d'une asses jolie population dans Le voisinage de ses montagnes. Ce bourg connu sous le nom de ville de mines voit augmenter sa prosperité par La Reputation qu'ont acquise les eaux minerales qui l'y Recontrent. Le Reste de La contrée est desert, et L'interieur des montagnes sert de Refuge à des bandits espagnols et portugais qu'y trouvent facilement à subsister, et sont Les agens d'une contrebande très active. c'est sur ces connaissances locales que j'ai fondé tout le plan de ma negociation.

Je me suis d'abord adressé à deux hommes très speculateurs et Leur ai démontré L'extreme utilité que L'on pourrait tirer de La concession de ces montagnes soit par les produits du grand nombre de bestiaux que l'on y trouve, soit par l'exploitation des mines. pour se procurer à la fois des bras et de l'argent, L'on a du solicitor en meme tems un privilege pour transporter des noirs dans des colonies espagnoles à bord de vaisseaux étrangers, ce qui été fait . . . L'un de ces hommes a donné du poids à cette negociation par L'importance de son Rang. L'autre a employé plus efficacement encore les Relations d'amitié et de faveur auprès de sa supreme influence de ce pays: moi, Restant derrière la toile, j'ai fournir les memoires avec connaissance de cause.

Mes Raisonnements ont frapés par leur vraisemblance le protecteur tout puissant qui s'est declaré hautement en faveur du projet, et La chose serait actuellement conclue sans La Lenteur des formes accoutumées qui nous ont sensiblement conduit au moment du départ de La cour pour barcelone. L'article seul du privilege pour l'importation des noirs a été expédié, et le Reste ne se sera qu'au Retour du voyage.

J'ai posé en principe dans mon memoire que la dépopulation de la Metropole ne permettait point d'en entraîne des colons utiles et laborieux, et d'ailleurs absolument inhabiles à L'exploitation des mines, j'ai donc fait admettre, qu'il fallait que les travaux des noirs fussent dirigés par des mineurs allemands, ayant à Leur tête des chefs parfaitement instruits dans des arts Relatifs à cette exploitation. Je dois être chargé du Recrutement des mineurs, et je me propose de prendre vos ordres sur le choix des chefs qui leur conviendront.—La Republique a aujour'dhui bien des sujets allemands et la compagnie leur fera aux uns et aux autres un traitement avantageux je passe de suite aux Resultats que ceci peut amener.

Deux chances se presentent pour nous dans l'avénir. L'une (selon moi très éloignée) serait la Separation des colonies espagnoles d'avec Leur Metropole ; L'autre (plus Rapprochée) serait la Reprise des hostilités avec L'Angleterre.

Dans le Dernier cas, La demande faite au portugal (et in-exécutable de sa part) de fermer le port de Lisbonne aux Anglais, jetterait cette faible puissance dans la nécessité de se mêler dans les opérations hostiles de son alliée et pendant cette négociation une force de cinq à six milles hommes, sortie de bonne heure des ports de France sous le prétexte de Renforcer nos garnisons de L'inde et de L'isle de France. Cette force, dis-je, arriverait au port de Maldonado ou des voies d'eau, des maladies vrayes ou supposée, obligeraient la flotte de Relâcher, et de mettre à terre les troupes qu'elle transporterait d'aussi bonnes Raisons de la part d'une puissance alliée. Soutenues de La présence de quelques vaisseaux de Ligne ne laisseraient aucun argument valable de la part du commandant d'une compagnie d'infanterie et d'un petit détachement de dragons qui composent toute La garrison de Maldonado. L'on pourrait après le débarquement confier au commandant espagnol que ces troupes marchent contre les portugais, et allors L'animosité nationale ceplanirait toute difficulté. une marche et demie transporterait l'armée sur le territoire neutre qui sépare les possessions portugaises et espagnoles et c'est là que notre petite colonie

germanique fournirait au general des vivres en abondance des chevaux pour monter douze à quinze cent hommes de cavalerie, et pour trainer l'artillerie, des guides surs, des cartes et des plans très exacts. Levés par les chefs de nos mineurs et enfin jusqu'a des pontons de cuir pour passer le Rio grande au cas qu'il ne fut pas guéable une marche de dixhuit à vint lieus porterait L'armee sous les murs du fort St. pierre qui serait surpris et pris avant que L'on s'en doutait en europe et même en amerique. La garnison du port St. Pierre consiste dans un regiment fine de deux bataillons, composés de scélerats banis du portugal. Les officiers qui les comandent sont de même les très dignes chefs d'une pareille troupe.

J'ai dit que cinq à six mille hommes suffisaient pour faire cette conquête, il serait allors bien aisé d'augmenter cette force pour s'étendre dans le pays et pour le conserver et si L'on combinait cette expedition avec une seconde attaque dirigée contre le para ou La baye de tous les saints par les forces sorties de Cayenne. L'on attaquerait le portugal dans sa force Réelle, et l'on dejouerait bien efficacement toutes les vues de L'angleterre. je ne sçais si les circonstances permettraient allors de tenter La conquête entière du bresil mais au moins est il certain que nous pourrions former dans le Sud de cette possession L'une des plus florissante colonie qui ait jamai existé. elle pourroit s'étendre de L'est à ouest, depuis le port St. pierre jusqu'à Matto-grono dans une profondeur de trois cent Lieus, et de sud au nord— depuis le même port St. pierre jusqu'à L'embouchure de quelqu autre Rivière, qui nous donnerait un second port sur cette côte.

Independament de Sa fertilité et des productions variées de ce pays, quels ne seraient les produits du commerce interlope d'une colonie située sur les flancs des possessions espagnoles et portugaises sur une aussi vaste surface?

L'espagne aurait bien quelque chose à dire sur la manière Leste avec La quelle nous aurions traversé son territoire mais autre qu'il faudrait bien qu elle prit son parti sur une affaire terminé, on la consolerait en lui montrant une armée françaïse prête a défendre ses colonies si les Anglais faisaient quelques tentatives contre les possessions de La Rivière de la plata et cette Raison ne seroit pas destituée de fondement, car il me conste, que les Anglais ont les yeux ouverts sur Maldonado et pendant que j'étais leur prisonier à Lisbonne plusieurs individus marquants de cette nation m'ont tâté sur cet objet.

Ce plan est susceptible de plusieurs developements qui seraient trop

long à detailler dans le cours de ce memoire, et que je me Reserve d'avoir l'honneur de vous donner de vive voix, si ce projet a Le bonheur de vous interresser.

Salut et profond Respect

HENRI LINIERS.

[TRANSLATION]

Citizen First Consul.

To be read
I beg Citizen Fleurieu to let
me know what
he thinks of this
mémoire. The
First Consul
Bonaparte.
A. N. 4426.

When I left France thirteen years ago I had no other purpose or other motives than to rehabilitate my fortune. Ruined by the decrees of the National Assembly, by the [loss of the] property that these same decrees reduced to nothing and by [the cost of] constructions and improvements (*réfrichements*) scarcely completed, I had no idea of emigrating and did not suspect it would be necessary to consider such a step; in a word, I had no other object than to find a way to meet my obligations and to be able to leave my children some means of support. My attention was directed toward South America, about which I had very exact information and strong recommendations to the Court of Spain. These facilitated the execution of my plans. I was sent to the Rio de la Plata toward the fall of 1790. In the midst of the labors which my position exacted, I never forgot my country; I constantly entertained the desire to see it again and the hope of serving it. These profound and indestructible sentiments have influenced all my observations about a land very little known even by its possessors.

On the north bank and almost at the mouth of the Rio de la Plata is situated the port of Maldonado. The neighboring country is possibly that part of the globe most favored by nature, for it combines or can produce almost all the articles of commerce or agriculture which are found scattered over the face of the earth, from the taking of whales to the products of the torrid zone, [and has] a temperate and perfectly salubrious climate, together with a fecundity which would appear fabulous in Europe.

The cattle, horses, and sheep which the Spaniards have transported there have multiplied at such a rate that the value of a horse or an ox does not exceed five francs in our money if the ox-hide be turned

back to the owner. By its geographical position, Maldonado is indeed the key of South America and soon will be the only practicable port remaining to the Spaniards in this country. In consequence of all its advantages it is of all their possessions the most neglected by them.¹²

Thirty leagues or thereabout to the north of Maldonado flows the Rio Grande which serves as a boundary to the Portuguese settlements nearly in the southern part of Brazil. This last power possesses a fairly large post at the mouth of the river known by the name of St. Pierre.

In view of the political relations between Spain and the French Republic it would seem impossible to establish a French colony in this part of the world. However, I have not despaired of founding at least the base of one, and I have the honor of reporting to you my negotiations and success in this regard.

At a distance of thirteen leagues northwest of Maldonado runs a chain of mountains containing some very fertile valleys, and an innumerable multitude of cattle, virtually wild. These mountains contain gold, silver, copper, and precious stones, but the mines there for some inexplicable reason have never been exploited. However, the ease of getting a part of these metals, which are often visible on the surface of the ground or have been carried along by torrents, has brought about the settling of a goodly number of people in the vicinity of these mountains. The prosperity of this village called Ville de Mines is enhanced by the reputation of the mineral waters found there. The rest of the country is desert, and the interior of the mountains serves as a refuge for Spanish and Portuguese bandits, who find it easy to support themselves there, and are the agents of a very active contraband trade. It is on this local information that I have based the whole plan of my negotiations.

I first addressed myself to two active speculators, demonstrating to them the great profits to be derived from a concession in these mountains, either from the products of the large number of cattle found there, or by exploiting the mines. In order to obtain labor and capital together, it was necessary at the same time to ask for the privilege of transporting negroes into the Spanish colonies on foreign ships, and this has been done. . . . Owing to his high rank one of these men has given weight to these negotiations. The other has em-

¹² Apparently irony is intended here, as below, when he speaks of the Portuguese and their "fine regiment" at St. Pierre.

ployed more effectively still his friendly relations and the favor of his great influence in this country. As for me, I have remained behind the scenes, furnishing memoirs with information for the cause.

Because of their plausibility, my observations struck the attention of the all-powerful protector. [*i.e.*, Godoy], who has declared himself highly in favor of the project. The matter would now be actually concluded, were it not for the delay over the customary forms, which occupied our attention up to the moment when the Court went to Barcelona.¹³ Only the article permitting the importation of negroes has been completed; the others must await the [court's] return from the trip.

I have set it down as a principle in my memoir that the depopulation of the mother-country [*i.e.*, France] would not permit the emigration of colonists, useful and industrious, but otherwise absolutely unaccustomed to mining. I have, therefore, gained agreement that it would be necessary that the labors of the negroes should be directed by German miners having leaders thoroughly instructed in the art of mine exploitation. I am to be charged with the recruiting of the miners, and I propose to take your orders as regards the choice of leaders suitable to them. The Republic has today many German subjects, and the company will grant favorable treatment to them all.

. . . I now pass to the results to be achieved by this.

Two future possibilities present themselves to us: one (in my opinion far distant) would be the separation of the Spanish colonies from their mother-country; the other (closer at hand) would be the reopening of hostilities with England.

In the second event, a demand made on Portugal (and incapable of execution on its part) to close the port of Lisbon to the English, would compel that feeble power to involve itself in the hostile operations of its ally. During those negotiations [with Portugal] a force of five or six thousand men would sail early from French ports under the pretext of reinforcing our garrisons in India and in the Ile de France. That force, I say, would fetch the port of Maldonado or the waterways [*i.e.*, of the Rio de la Plata]; sickness, real or pretended, would oblige the fleet to put into port and to disembark the troops

¹³ On 6 July 1802 the Court celebrated in Barcelona the double wedding of Charles IV.'s children with the prince and princess of Naples. Geoffroy de Grand-maison, *L'ambassade française en Espagne pendant la Révolution, 1789-1804* (Paris, 1892), p. 230.

being transported—good enough reasons on the part of a powerful ally. Supported by the presence of several vessels of the line, there would remain no argument of weight to the commandant of the company of infantry and the small detachment of dragoons which compose the entire garrison of Maldonado. After disembarking, the Spanish commandant might be informed that these troops are marching against the Portuguese, and then national animosity would smooth out any difficulties. A march and a half would bring the army to the neutral territory separating the Portuguese and Spanish possessions. There our little colony of Germans would furnish the [French] general with an abundance of supplies, with horses for mounting twelve or fifteen hundred cavalry troops and drawing the artillery, with good guides, and with very exact maps and plans. Supported by the chiefs of our miners, and also with pontoon bridges of cowhide to cross the Rio Grande in case it should not be fordable, a march of eighteen or twenty leagues would carry the army under the walls of Port St. Pierre, which would be surprised and taken before there was any suspicion in Europe or even in America of such a step. The garrison of Port St. Pierre consists of a fine regiment of two battalions made up of criminals banished from Portugal. The commanding officers are likewise very worthy leaders of such a troop.

I have said that five or six thousand men would suffice for making this conquest. Later this force could easily be increased in order to extend our control in the country and to hold it. And if this expedition were combined with a second attack directed against Para and the Bay of All Saints with troops from Cayenne, Portugal could be assailed in its real source of strength, and all the plans of England quite effectively foiled. I do not know whether circumstances would then permit an attempt to conquer all Brazil, but it is certain at least that we could form in the south of this territory one of the most flourishing colonies that has ever existed. It would extend three hundred leagues from east to west from Port St. Pierre to Matto-grano, and from south to north from the same Port St. Pierre to the mouth of some other river, which would give us a second port on this coast.

Aside from its fertility and the various products of this country what would not be the profits from the interloping commerce of a colony situated on the flank of the Spanish and Portuguese possessions covering such a vast area?

Spain would indeed have something to say concerning our free manner of crossing its territory; but in case Spain should deem it necessary to act on an affair already concluded, we could console it by pointing out the value of a French army ready to defend Spanish colonies, if the English were to make any attempts against Rio de la Plata. Moreover, this reason does not seem to be without foundation, for I suspect the English have their eyes on Maldonado; while I was their prisoner at Lisbon several prominent persons from that nation sounded me on this matter.

This plan is open to a number of developments, which would be too long to treat in detail in the course of this memoir. I shall await the honor of giving them to you in person if this project has the good fortune to interest you.

Greetings and profound respect,

HENRI LINIERS.

BOOK REVIEWS

The Spanish-American Frontier: 1783-1795. The Westward Movement and the Spanish Retreat in the Mississippi Valley. By ARTHUR PRESTON WHITAKER. (Boston and New York: Houghton Mifflin Company, 1927. Pp. xiii, 255. Maps.)

Under the above title Dr. Whitaker brings out a volume that may be regarded both as a complement and a corrective to S. F. Bemis's *Pinckney's Treaty* (see *HISPANIC AMERICAN HISTORICAL REVIEW*, VII. 336-339). Both authors have worked extensively in the Spanish and other foreign archives, have had somewhat similar technical training, and have rendered each other mutual assistance in their respective tasks. Finally within a few months they have each brought out a book covering virtually the same period in our national history—the years immediately following the Revolution.

This co-incidence of effort does not mean that we might dispense with either book. Each author has kept his point of view distinct and has in some instances reached quite different conclusions. Bemis emphasizes diplomacy and Whitaker frontier relations, but each in turn crosses into the other's preserve, when necessary, and seems equally at home there—thus demonstrating once more the close connection between the efforts of frontiersman and diplomat, and we may add, the relatively greater importance of the former in the events under discussion. Both men write well, Whitaker's style possibly being more dignified than the other's and his conclusions more briefly and clearly stated. If we have any criticism on this point it would be that Whitaker had compressed too much for the average reader. He has, however, elaborated several portions of his narrative in articles published elsewhere.

After a careful study, too, one may have some questions about the title of his book. At first one might think of the hyphenated "Spanish-American" in the modern sense and object to its being restricted to the area between the mountains and the lower Mississippi. Yet in the period treated that was virtually the only point of active contact between Spain and the United States. As for the sub-title one readily notes that the "Spanish Retreat" is covered more adequately than the "Westward Movement", and rightly so. Winsor, Roosevelt, and Henderson have given us stimulating pictures of the American ad-

vance southwestward and perhaps the time is not yet ripe for a rewriting of their narrative and the filling in of its gaps. Of conditions on the other side Gayarré and Green have given us provocative glimpses and it is to these hitherto inadequately treated incidents that the present volume is largely devoted.

This book, like that of Bemis, is largely based on original sources. References to the growing list of monographs and articles are not lacking, however, although the reviewer fails to find any to Miss Jane Berry's previous study of the Spanish Indian policy. The wealth of manuscript material, particularly that derived from Spain, has been used with becoming restraint. Whitaker's references are compressed to the limit by using appropriate abbreviations and are then gathered at the back of the book, where despite their brevity they fill up about a tenth of the total space. This arrangement makes extra work for the specialist but probably will be appreciated by the reader who is more interested in the development of the narrative than in the sources on which it is based. The author might have saved the investigator's time, however, by giving cross references to the pages on which the notes are found.

The book is well indexed. There are three single-page line maps. The reviewer has noted a few printer's slips (*e.g.*, pp. 73, 80, 100). The reference to Arnold (p. 96) and to "Irishman's flair" (p. 97) may be misleading. The second paragraph on page 209 is too brief to be clear—a typical instance of occasional over-compression. The personal descriptions are clear-cut and interesting despite the pruning of a trenchant pen. The author's aim evidently is to popularize in the best sense some difficult and abstruse features of our early national history and he has done his work vigorously but with dignity and restraint. His chapter titles are short and suggestive, with sub-headings that are equally relevant. The book will rank high as an exhibit of intense research and skilful presentation.

The author does not fail to bring out effectively the contrast between the forces that determined American expansion and the measures that the Spaniard employed to combat it. The setting is a colorful one. A continent is at stake, not merely a portion of a river valley. The stage of action shifts readily from Europe to America but frontier forces do not disappear in the process. The author varies Henry Adams's familiar comparison by likening the Spanish empire to a shark rather than a whale. At the period under consideration the

Spanish navy was a factor worthy of consideration, even by the frontiersmen who talked glibly of occupying New Orleans. The American government is weak in contrast with the Spanish, but its very weakness makes the frontiersman correspondingly independent and more capable of arousing apprehension. American officials can afford to be more dilatory than the Spaniards, for time is on their side, their frontier settlements are more easily defended, and economic forces are working steadily in their favor.

The author makes an effective presentation of these economic forces, particularly when he describes the rôle of the British Indian trader, apprehensive ally of the Spaniard, or of the land speculators, who were apparently willing to join in any movement that promised to give value to their holdings. These two elements give a practical basis to opposing national policies, and that too without unduly waiting on governmental initiative. Across the intervening wilderness, Natchez and Nashville embody the uncertain opposing frontier elements. The Spaniard resorts to colonizing projects and Indian alliances to bolster up his attempts to close the Mississippi, but Gardoqui and Godoy frequently work at cross purposes with Miró and Carondelet in carrying out common restrictive measures. Likewise Wilkinson, O'Fallon, White, and D'Argès oppose each other's land and commercial projects. The men of the "Western Waters" in general seek to curb the treaty-making power of the general government because it may check their dealings with the Indians. Eastern commercial interests favor a treaty with Spain that is unacceptable to the westerners. Nootka and Yazoo contribute outlandish names, a new spirit to speculative enterprises, and bring the "Goths" nearer the "Gates of Rome." The French Revolution intensifies western particularism and unsettles French subjects of the Spanish king. American and Spanish diplomats alternately encourage and repel a British alliance, but ultimately Godoy definitely turns to France and signs with the United States the extremely favorable treaty of 1795. This pact closes the present narrative but the author promises to continue it in another volume.

Among outstanding conclusions we may mention a definite emphasis upon the theory that western separatists and not Spanish officials were responsible for the "Spanish Conspiracy"; that disunionism in 1794 was far more dangerous than the earlier intrigue; and that the Jay Treaty had no appreciable bearing on Godoy's negotiation

with Pinckney. In this last conclusion Whitaker differs from Bemis and we may look for further elucidation from one or both. The Indian trade and the tobacco monopoly are attractively presented in their manifold phases as well as the general question of river commerce. Dr. Whitaker has added an important monograph to the list of studies that are gradually clearing up mooted points in our border history and paving the way for the adequate synthetic narrative of the future.

ISAAC JOSLIN COX.

Northwestern University.

La Primera Misión de los Estados Unidos de America en Chile. By WILLIAM MILLER COLLIER, and GUILLERMO FELIU CRUZ. (Santiago de Chile: Imprenta Cervantes, 1926. Pp. xi, 264. Illustrations.)

Chile and its Relations with the United States. By HENRY CLAY EVANS, JR. (Durham, N. C.: Duke University Press, 1927. Pp. x, 243.)

The Diplomatic and Commercial Relations of the United States and Chile, 1820-1914. By WILLIAM RODERICK SHERMAN. (Boston: The Gorham Press, 1926. Pp. 224.)

Each passing year adds a premium to reliable information concerning Hispanic America, especially in diplomacy. At first glance it may seem that this field, in comparison with others, has been greatly overworked; but when the special correspondent of a metropolitan daily begins his article with the statement, "From the first days of Chilean independence the United States has maintained the friendliest diplomatic relations with this republic", evidently he and his editorial supervisors need the enlightenment afforded by the present offering. To them should be added the volume by Mr. Dennis (see THE HISPANIC AMERICAN HISTORICAL REVIEW, VIII., No. 2).

If one thing stands out above another in the relations between the northern and southern republic it is the recurrent unfriendliness that has characterized too much of their diplomatic interchange. One states this fact with regret when at the same time he recalls scores of personal courtesies that evince a desire on the part of both North American and of Chilean to maintain harmonious relations with each other.

Our worthy ambassador to Chile and his distinguished young col-

laborator, the chief of the Chilean section of the National Library at Santiago, have added materially to our knowledge of that interesting diplomatic pioneer, Joel Roberts Poinsett. The latter's mission to southern South America extended from 1811 to 1814 and affected Chile in that period of its history known as *La Patria Vieja*. Poinsett's consular activities and his very unneutral participation in the campaigns of the patriots against the royalists have been familiar to all students of the period. Less was known of his share in preparing the "Constitutional Code" of 1812, of his services as mediator in the rivalries between the Carrera Brothers—for they disagreed among themselves as well as with opponents outside the family—and of his aid to José Miguel Carrera during the latter's sojourn in the United States. In addition to Poinsett the narrative introduces Commodore David Porter and, casually, numerous others in the military and naval service of the United States and such varied characters as Joseph Bonaparte, Francisco Javier Mina, John Jacob Astor, Aaron Burr, DeWitt Clinton, and Thurlow Weed, whose interest Carrera aroused or whose aid he hoped to enlist in the struggle of Hispanic America for independence. A more definite connection was established with John S. Skinner, postmaster of Baltimore, who loaned him a considerable sum for his unfortunate expedition; with Baptiste Irvine, later American diplomatic agent in Venezuela, with whom he carried on an extensive correspondence, and with Henry Didier of Baltimore, member of the commercial firm that did much to assist in outfitting the vessels that Carrera brought to Buenos Aires. Here, as is well known, he was arrested by the director Pueyrredón, his vessels confiscated, and he himself forced into hostilities against the governments both of La Plata and of Chile—an opposition to which he and his two brothers were finally martyrs.

The volume is largely made up of letters that passed between Carrera and his North American friends. These are knit together with an explanatory narrative, fortified by numerous footnotes. There are several full page portraits of the principal characters mentioned and facsimiles of their important letters. The volume, which is printed in Santiago, is a good sample of Chilean press work. Its publication was furthered by a subsidy from the Carnegie Endowment for International Peace.

In contrast with later developments the relations of this early period as set forth by these collaborators seem, like their book, a proof

of cordial coöperation. After the assured success of the patriots and the recognition of Chile, however, the story as detailed in the other two volumes takes on a different turn. With the arrival of regular diplomatic representatives from the United States come the discussion of commercial claims and demands for satisfaction of "outrages". These irritating bickerings continue until after 1860, while the bitterness aroused by them was intensified by reports of North American aggressions in Mexico, Cuba, and Central America. The intervention of Spain on the west coast of South America during the sixties not only brought about better relations among the republics there, but gave a chance for them to assume a more cordial attitude toward the United States—a chance which the latter nation did little to further. Chile, in particular, resented a neutrality that permitted the unjustified bombardment of Valparaiso, while holding the Chilean government responsible for failure to give neutral commerce full measure of protection. Moreover, Chilean publicists claimed that our assistance to Mexico during the French intervention was perfunctory and largely futile.

The misunderstandings and bitterness engendered by these incidents, further increased by friction over the wheat trade with California during the gold rush and the treatment of Chilean subjects in that state, almost brought the two countries to a diplomatic rupture during the War of the Pacific. Chile claimed that our attitude in that contest was altogether favorable to Peru and resisted the attempts of Secretary Blaine to arbitrate the dispute or save Peru from loss of territory. Ten years later during Blaine's second incumbency, the obvious partiality of our government toward Balmaceda and the friction aroused by the *Itata* and *Baltimore* incidents again brought the countries to the verge of hostilities.

Following these regrettable misunderstandings came the irritating Alsop claim. Then followed the growing commercial and industrial connections afforded by the opening of the Panama Canal and the outbreak of the World War and the shifting of emphasis to economic questions. But that other factors were not neglected is shown by the recent unavailing mediation in the Tacna-Arica dispute.

This brief inadequate sketch summarizes the story of our diplomatic dealings since independence with the southern republic. Marked differences characterize the treatment of the two authors whose books we have followed. Sherman closes his narrative with the open-

ing of the World War; Evans, with the fiasco of the mediation at Arica, in June, 1926. The former depends almost wholly on North American sources and hence seems unable to avoid a marked North American bias. Evans presents a clear, concise interpretation of diplomatic questions, without evident bias, and at the same time summarizes salient points in the political development of Chile. In view of the paucity of material in English relating to that country his offering is doubly welcome.

In press work the two volumes vary greatly. That of Evans is a creditable offering of the new Duke University Press. The other evidently represents the economic exploitation of which impecunious authors are too often the victims. The footnotes of the first named, the bibliography and the index are full, adequate, and apparently accurate and logically arranged. The other author furnishes no index, his bibliography is one-sided, inadequate, occasionally inaccurate, and his scant references are bracketed in the body of the narrative. Evans presents few typographical slips or direct errors; the other innumerable mis-spellings, printer's slips, and evidences of unfamiliarity with names and geographical data. Many of these, the reviewer infers, are not faults of the author. It is unfortunate that those who need it cannot obtain better commercial work than he got. With these handicaps of presswork and of authorship his volume is almost wholly superseded by the other. Neither volume, strange to say, contains a map.

ISAAC JOSLIN COX.

Northwestern University.

American Foreign Policies. By JAMES WILFORD GARNER, Professor of Political Science in the University of Illinois. (New York: The New York University Press, 1928. Pp. viii, 264.)

In seven lectures originally given at New York University, Professor Garner presents a well-informed and, on the whole, a sound discussion of some of the foreign policies of the United States. He begins with a discussion of the influences and conditions which have determined those policies—a theme which he carries through most of the subsequent work. He then treats of the traditions of isolation and non-intervention, of imperialism and "dollar diplomacy", of the Monroe Doctrine in its various phases, of the contribution of the

United States to the pacific settlement of international differences, of its attitude toward the League of Nations, and finally of the present unfavorable position occupied by the United States in world opinion. The recent period is emphasized and much of the material set forth relates to Hispanic America.

Professor Garner does not hesitate to pass judgment upon our foreign policies and his views are far from flattering. If correct—and they are based upon a scholarly grasp of the subject—they ought to furnish true patriots substance for serious reflection and even grief, particularly if those patriots are of an idealistic temperament. According to Dr. Garner the United States has been imperialistic and its imperialism, in spite of the fact that it has been somewhat different from that of other nations, has been as effective as any that can be found. Moreover, with the most favored position of any country in the world, the United States, during the last decade or so, has made a discouragingly small contribution to the peace and welfare of the world. We have been inconsistent, hypocritical, and selfish to a degree that has more than counterbalanced all of the noble and benevolent contributions which we have made to humanity. And the situation is rendered more hopeless because of the nature of our people and the organization of our government. While our statesmen and some of our intellectual leaders are making altruistic speeches, they are permitting their nation to drift along and let slip a great opportunity to make a real contribution to international well-being.

For all of his important contentions Professor Garner presents pretty convincing proof. Although he is a political scientist rather than a historian, few historians will be inclined to dispute the facts which form the basis of his conclusions. To the present reviewer it appears that he holds a somewhat erroneous view of the causes of the Mexican War, a view which he might be inclined to modify if he read Justin H. Smith's account of the difficulties and vexations which led up to that struggle, but in other respects he appears to have his history well in hand. That he is familiar with most of the literature bearing upon our foreign relations cannot be doubted. He has made a very important contribution to the subjects which he has discussed.

J. FRED RIPPY.

Duke University.

The Foreign Policy of James G. Blaine. By ALICE FELT TYLER.
(Minneapolis: The University of Minnesota Press, 1927. Pp. 411.)

James G. Blaine was in charge of the state department of the United States for a little less than four years and upon two occasions (1881 and 1889-1892). During the first period he had virtually a free hand so far as the president was concerned, but throughout the second he was restrained by President Harrison, who was in many respects his own secretary of state. The work now under consideration is the first extensive treatment of his foreign policy based upon manuscript as well as other sources.

While secretary of state Blaine dealt with the following matters and regions: Central American and the Caribbean, the War between Chile and Peru, the Chilean revolution of 1891, the First International American Conference, Hawaii, Samoa, the Far East, the treatment of immigrants in the United States, controversies regarding fur seals and the entrance of American pork into European markets, Canadian relations. These questions are treated in fourteen chapters and the work contains a brief introduction and conclusion as well as an appendix of fifteen pages, a critical bibliography, and a good index. There are no maps or illustrations.

The volume is written in clear, simple, and correct English and appears to be, on the whole, a pretty thorough and sound piece of work. It has, however, one defect which characterizes many productions relating wholly or largely to the field of Hispanic America. It evinces an almost complete neglect of Hispanic American sources. Only two writers of this region are listed in the bibliography. Apparently not a single Hispanic American newspaper or periodical was consulted. Probably the two authorities cited would have been overlooked had their articles not appeared in the journals of France and the United States. What did the "other" Americans think of Blaine's policy? On this point the author leaves us too much in the dark.

The careful reader will also feel, occasionally, that the writer has failed to get beneath the surface and discover the motives and personalities back of Blaine's policy. Perhaps these are to remain forever hidden. They always constitute a difficult subject. And yet it is disappointing to note that the miscellaneous letters of the state department for the period have not been consulted.

Lastly, a few minor criticisms may be noted. A passage which the author quotes (p. 32) in order to show that Garfield was in "complete agreement" with Blaine on a certain matter appears to be merely a non-committal record of Blaine's position. The contention (p. 41) that there was no change in the relative positions of the United States and Britain in the Pacific between 1850 and 1882 appears fallacious. Blaine is sometimes given credit for the turn of events which his policy may or may not have effected (pp. 44, 64). The heading of Chapter X suggests that Blaine was interested in the Far East, but the author says in the first paragraph of this chapter that he had little knowledge of the region and even less interest in it.

But these criticisms are not intended to convey the impression that Mrs. Tyler has not made a solid and valuable contribution to our knowledge of Blaine's foreign policy. The work is not entirely satisfactory in some respects, but nothing better is likely to appear until the archives of England and Hispanic America have been examined—and these are not yet open to the public for so recent a period.

J. FRED RIPPY.

Duke University.

A Parahyba e seus Problemas. By JOSÉ AMÉRICO DE ALMEIDA. (Parahyba: Imprensa Official, 1923. Pp. 549.)

This monumental treatise is a work descriptive of a special region of Brazil only second in its exhaustiveness and scientific detail to Euclides da Cunha's survey of the *sertões* of Bahia. Although enjoying official sanction, and having as its object the purpose of interesting the Brazilian federal government in the development of the resources of Parahyba, it should be taken far more seriously than we in this country are in the habit of taking those local surveys which from time to time emanate from our several states. Senhor Almeida, on the basis of exhaustive researches and an intimate acquaintance with the land, discusses the central climatic problem of Parahyba, namely the droughts (*as secas*), which periodically visit with such harrowing consequences great areas of the *Nordeste* of Brazil. He discusses their history, the speculations concerning their causes, their tragic effect upon land and people, and the efforts at amelioration through irrigation works, and closes with a very convincing analysis of the means which he believes should be taken by the federal govern-

ment for the eradication of their bad effects. He who wishes to gain an acquaintance with the *terras incognitas* of a Brazilian state has an opportunity in these pages rarely met in similar books in this country.

FRANCIS B. SIMKINS.

Emory College.

Fuentes de la Historia española e hispanoamericana; Ensayo de Bibliografía sistemática de Impresos y Manuscritos que ilustran la Historia política de España y sus antiguas Provincias de Ultramar. 2. ed. revisada y ampliada. 2 vols. By B. SÁNCHEZ ALONSO. (Madrid: Junta para ampliación de estudios e investigaciones científicas, 1927.)

The bibliography of the history of Spain has been greatly enriched during the past few years. The completion of Palau y Dulcet's seven volume *Manual del librero hispano-americano* (Madrid, 1923-27), gives us a comprehensive repertory of Spanish literature, invaluable alike to the student and bibliographer. The *Manuel de l'Hispanisant* (New York, 1920-25), by Foulché-Delbosc and Barrau Dihigo, covers in the first volume biographical and bibliographical references and in the second, the various collections. García Villada's *Metodología y críticas históricas* (2d ed., 1921), gives much information concerning sources, and Ballester's *Bibliografía de la historia de España* indicates the important works in the different fields of history.

Among the bibliographical contributions of greatest significance to the student of Spanish history, a prominent place must be given to the work under present consideration, the first edition of which was published in 1919. Sr. Sánchez Alonso's work is a most interesting and valuable example, we might possibly say model, of a special bibliography. It is concerned especially with political history.

The second edition presents notable additions to the first. The most important of these, as indicated in the title, is the inclusion of manuscript material, of the most important general histories, and of sources for the study of Hispanic-America in its relations to Spain. The last section, *Los modernos problemas hispanoamericanos*, is also an addition. The history of Portugal and Brazil is omitted in order not to increase too greatly the task of compilation.

The arrangement of the material is intensively systematic and chronological. Each general section or chapter is preceded by a lucid

prefatory note. At the end are full indexes of authors, subjects, and abbreviations. The disposition of the material is as follows: Cap. I, Historias generales; II, Período prerromano; III, España romana; IV, Período visigodo; V, Período árabe-cristiano, hasta el advenimiento de Carlos I; VI, Hispanoamérica (Historia general, Historia del período 1492-1517); VII, Período de la Casa de Austria; VIII, Período borbónico, hasta la guerra de la independencia; IX, España en el siglo XIX.

Subdivisions of the chapters give a highly intensive systematic arrangement. In chapter IX, for instance, there are eight sections and fifty-one subsections, 13,172 items are noted, but this figure by no means represents the extent of the material covered inasmuch as the author has availed himself of collective entries when it has been feasible, e.g., no. 146, Algunas historias mss. pendientes de identificación, and 147, Otras historias generales, dedicadas especialmente a la enseñanza. Under the latter entry more than a hundred authors are mentioned. References to reviews are freely given.

Sr. Sánchez Alonso has provided a useful tool for the student of Spanish political history. The compilation of this work has required indefatigable industry, infinite patience, and fine scholarship.

Moreover, to those interested in Hispanic-American bibliography, works of this character possess a significance beyond their immediate utility, in that they facilitate the preparation of a general bibliography of the Hispanic republics.

C. K. JONES.

Library of Congress.

An Englishman and the Mexican Inquisition, 1556-1560. Edited by G. R. G. CONWAY. (Mexico: Privately printed, 1927. Pp. xxxviii, 167, 1 l. Illustrations; facsimiles; plans; index.)

The subtitle of this small volume offers the explanation that the work is "an account of the voyage of Robert Tomson to New Spain, his trial for heresy in the City of Mexico and other contemporary historical documents". The editor, an English business man in the City of Mexico, states in his useful preface that he has some 4,000 folios of transcripts made from the Mexican archives relating to the records of trials of Englishmen by the Inquisition during the sixteenth century in Mexico—almost totally unused material. This volume, therefore,

it is hoped, is only the first of a series in which this material will be given to the historical world. With its help, a further chapter can be written on the workings of the Inquisition in Hispanic America.

First is fittingly reproduced the account in Hakluyt of "The voyage of Robert Tomson Marchant, into Nova Hispania in the yeere 1555". This is followed by the translation of a transcript from the original process in the Mexican National Archives of the "Inquisitorial proceedings in Mexico City against Robert Tomson, 1559-1560"; a translation of Chapters XXIV. and XXV. of the *Crónica de la Nueva España* by Francisco Cervantes de Salazar (published by the Hispanic Society of America, Madrid, 1914), which describes Mexico City in 1560—about the time of Tomson's trial; three distinct sets of notes, namely, to the voyage of Tomson, to the inquisitorial proceedings against him, and on Mexico City in 1560; and three appendices, namely, the original process against Tomson, the original letter in English written by Leonard Chilton to Henry Hawkes (both of whom were known to Tomson), and a list of original documents existing among the Inquisition records in the Mexican National Archives relating to the trials of Englishmen and others associated with them who were condemned as Lutheran heretics in Mexico (1559-1575).

Hakluyt's insertion of Tomson's narrative in his first Collection is vindicated by the facts as set forth in the trial of Tomson by the Inquisition, for the latter furnishes evidence that was lacking to Hale in his generalization that the story told by English captives of the Inquisition after their return to England was "so disfigured by every form of lie, that the most ingenious reconstructor of history fails to distil from it even a drop of truth".¹ The process of the trial itself is most interesting and throws many sidelights on the social life of the period. The two chapters from Cervantes de Salazar (appendix No. 2) depict the city of Mexico as it was when Tomson was on trial. The notes give much information relative to Englishmen in Mexico in the sixteenth century, and their movements. Mr. Conway, in the translation to the process has taken the liberty of arranging the text into divisions and paragraphs, and has in places given a somewhat free translation which is more readable than a literal rendering would be. In reproducing the original, however, he has been at pains to give an exact copy, except that he has apparently written out the abbreviations and inserted accents. A page-for-page

¹ Winsor's *Narr. and Crit. Hist. of Amer.*, III. 64 (cited by Conway).

translation might have been better for the student than the present arrangement. Use of the volume would perhaps also have been facilitated had the notes either been set as footnotes or been made to follow directly after the section to which they refer.

Altogether, this is a useful volume, and it is a matter for regret that the edition is limited to 250 and that copies will scarcely find their way into trade except by accident. The print is clear and easily legible and the volume is a credit to the typographical art of Mexico. The reproductions of plans are especially valuable. It is hoped that Mr. Conway will find sufficient leisure to continue the publication of his documents pertaining to the Inquisition.

JAMES A. ROBERTSON.

Rainbow Countries of Central America. By WALLACE THOMPSON, F.R.G.S. (New York: E. P. Dutton & Co., [c1926]. Pp. xiv, 284. Illus. \$5.00.)

This is a welcome addition to descriptive books on Central America—a section on which there are far too few creditable books. The fantastic title comes from the colors which the author conceives as predominating in several countries—red earth for Costa Rica, orange dawn for Nicaragua, yellow hills for Honduras, green valleys for Salvador and blue gardens for Guatemala. Throughout the book it is as though one were taking a journey with the author; and one goes from point to point seeing much and learning much that is interesting and instructive. There is some history and considerable social and economic description. The author seems to have got close to the people of the several countries. He generalizes as follows regarding the peoples (pp. v-vi):

Along the highways that time and race have set for them, the Central American countries are making the long, painful trek toward democracy and economic independence. Nationally and individually they are gentle and very wise, but at the same moment almost, they are fierce and heedlessly destructive. Hindered and supported, equally, by their own qualities, and by the often mistaken helpfulness of others, they are writing to-day, one of the most human documents of contemporary history, upon those pages of magnificent past and boundless future.

The social and economic parts are especially valuable. The comments on the several racial elements of the populations are of interest. It is evident that the author liked his subject, and it is a question

whether this has not at times led him to heights above reality. But the book is well written and is one of the popular publications that should be in the student's library. It was written before the full development of the present condition in Nicaragua.

Figures and Facts from South America. By T. J. BACH. (Chicago: Scandia Printing Co., [1927]. Pp. 120. Paper covers.)

The author of this little book has been a missionary in South America for a quarter century, and his book naturally reflects the missionary viewpoint. The book is not intended as a history nor even a complete exposition of the Protestant mission movement in South America. The eight chapters discuss (with reference to South America) the geography; the making of history; Indians; the Roman Catholic religion and church; some outstanding characteristics; Protestant evangelical work and workers; the messenger and the message; and the development of a work for God. The geographical and historical parts are meager but of use to him who wishes a few data quickly. There are a few general statements that overshoot their mark: *e.g.*, in contrasting the Indians of North and South America, the author says (p. 31): "The earliest settlers of North America found that the Indians were destitute of all civilization and were always ready for war." The chapter on "Some outstanding characteristics" is perhaps the most interesting. Students will endorse the statements (p. 67), that "The type of civilization is Latin, which is distinct from the Anglo-Saxon, but not necessarily inferior"; and "facts will prove that, wherever there has been an equal chance, the South Americans have been on the honor roll". There is some polemical discussion. A short bibliographical list and questions and suggestions for mission study complete the book.

Vivid Spain. By JOE MITCHELL CHAPPLE. With original Etchings and Drawings by Levon West. (Boston: Chapple Publishing Company, Limited, 1926. Pp. xv, 231.)

It has become the fashion to write books about Spain, either after a long or a short stay in that charming country—and it must be said that most of the books have something to commend them. The present book, notwithstanding its discursiveness at times, its lack of unity, and its lack of care in spelling Spanish words correctly, is no excep-

tion. Its author, himself a publisher, enjoyed thoroughly his two visits to Spain, which was largely possible because he apparently took with him an unfailing good humor, an ability to mix, and a keen capacity for enjoyment. The interest of the book lies in the author's conception of Spain as he saw it, and in his descriptions of the places he visited in his itineraries. The author is so evidently what the Spaniards call *un caballero simpático* and he had so good a time in Spain that the faults of the book do not lie heavily on one. The heavy-lined illustrations of Levon West will find some criticism. The visit to the artist Zuloaga is worth preservation. Mr. Chapple evidently does not know that the remains of Columbus do not rest beneath the magnificent monument in the cathedral at Seville. This reviewer would like to see fewer books of descriptions and impressions and more on the thought and development of Spain.

Terry's Guide to Cuba including the Isle of Pines with a Chapter on the Ocean Routes to the Island: a Handbook for Travelers. By T. PHILIP TERRY, F.R.G.S. (Boston and New York: Houghton Mifflin Company, 1927. Pp. x, 460. Maps and plans; index. \$3.50.)

This is unquestionably the best guide book to Cuba that has been published. The author has aimed to produce a book which will "entertain and instruct as well as guide", and he has succeeded. The volume is divided into three parts: interpretative; description of Havana and its environs; and twenty special excursions. Realizing that Cuba is changing very rapidly, the author will keep the book up to date yearly. The volume is easy to use, being about the size of the well-known Baedeker. The person who reads it through carefully will have more than an ordinary knowledge of present-day Cuba, including almost every phase of the life of the people and much of the language and history of the island. The style at times approaches too close perhaps to the colloquial, but never sinks on the other hand to unrelieved dullness—which one usually associates with books of this nature. There is an excellent general map of Cuba and its district and one of the Isle of Pines, besides plans of Havana, and other important cities. Uncommon pains have been taken to include matters of interest. The book is not critical of Cuba, its people, and its institutions.

From Panama to Cape Horn. A South American Reader. By ETHEL IMOGENE SALISBURY. Illustrated with maps and engravings from photographs. (Yonkers-on-Hudson, N. Y.: World Book Company, 1927. Pp. 294.)

This attractive little book is one of the Interamerican Geographical Readers, and is intended for pupils in the grades. In her preface, the author says:

South America furnishes a unit of subject matter universally studied in the grades and always enjoyed. It affords excellent material for exposition of a type that develops the reading with a maximum of interest. Stories of Spanish adventurers, pirates, ancient Peruvians, and the Latin-American peoples who have struggled for freedom, abound in romance and charm. The jungles, mountains, and plains, with their varied temperatures, invite inquiry into the relation of location to climate.

It is intended as an aid in the development of the mind by pointing out relationships. The various chapters deal with: Forest and jungle; man and the tropical forest; rubber; coffee; Rio de Janeiro; a treasure box; the Buccaneers; the new Caribbean; the Andes Mountains; the empire of the Incas; the mines of the Andes; Chili, a land of sheep and glaciers; the city of healthful breezes; Argentina; the Parana Valley. The language is simple, without undue "talking down" to the child. That such a reader can be published in the United States shows how far the study of Hispanic America has progressed.

NOTES AND COMMENT

The Latin-American fellowship of the American Association of University Women for 1928-29 was awarded to Señorita Lidia Santelices V. of Santiago de Chile, who proudly refers to herself as an Araucanian. Srta. Santelices is a graduate of the University of Chile and has taught English in the secondary schools of Santiago during the past six years. She will take advanced work in English in the United States.

A number of Hispanic American countries, including Argentina and Chile, offer in the secondary schools a year's course in the history of America, which includes a survey of United States history. Consequently, high school graduates of those lands are much more familiar with the past of the United States than are American young people with Hispanic American history. On the other hand, Hispanic American history is given far more attention in the colleges and universities of this country than is United States history in corresponding institutions in the lands to the south.

Some of the schools of South America founded by American protestant missionaries plan to add to their courses of study in the near future two years of junior college work. Among the institutions gathering funds for such expansion are the two oldest American schools in Hispanic America, Mackenzie College, of São Paulo, Brazil, and Colegio Santiago of Chile.

Dr. V. H. Belaunde, well known for many years as a Pan Americanist and as the editor and owner of *Mercurio Peruano*, which is published at Lima, Peru, has been in the United States for some time giving lectures and making historical investigations. In May he gave several lectures in Havana. He has done considerable investigation in Paris as an expert of the Institute of Intellectual Coöperation for Latin America, and in that capacity has recently had access to the papers left by the Venezuelan historian Villanueva.

Dr. J. Fred Rippy spent several weeks recently in Colombia to make a survey of various matters for Carnegie Institution. Despite an attack of sickness while in the tropics, Dr. Rippy was able to get the information desired. In June, Dr. William W. Pierson, Jr., went to Venezuela for a stay of some months to make a similar study in that country.

BIBLIOGRAPHICAL SECTION

COLUMBUS AS A WRITER

It has been said that the motives which led the Spaniards to America may be summed up in the three words, "gospel, glory, and gold". The writings of Columbus support such a statement, for these three words permeate his journal and his letters concerning the new world. He was continually writing of the great possibilities of the gospel among the natives of the islands, of the glory of the sovereigns of Spain in their new-found possessions, and of his constant and vigilant search for gold. In fact, take from Columbus's writings his references to "gospel, glory, and gold" and there is little left. It would be like eliminating the words "love" and "light" and "life" from the gospel of John. One paragraph, which is typical of all his writings, will illustrate and confirm the above statement:

In all the countries visited by your Highnesses' ships, I have caused a high cross to be fixed upon every headland, and have proclaimed, to every nation that I have discovered, the lofty estate of your Highnesses; and of your court in Spain. I also tell them all I can respecting our holy faith and of the belief in the holy mother Church, which has its members in all the world; and I speak to them also of the courtesy and nobleness of all Christians, and of the faith they have in the Holy Trinity. May it please the Lord to forgive those who have calumniated and still calumniate this excellent enterprise, and oppose and have opposed its advancement, without considering how much glory and greatness will accrue from it to your Highnesses throughout all the world. They cannot say anything in disparagement of it, except the expense, and that I have not immediately sent back the ships loaded with gold.¹

Columbus was an interesting writer. His journal of the first voyage and his letters to the king and queen as well as those to the nurse of Prince John and to the treasurer of the crown, both of which were also intended for the eye and ear of the sovereigns, are as interesting as any of the writings of globe trotters the world over. His vivid descriptions of the picturesque islands, his characterization of the native peoples, his narration of his dangerous experiences and almost superhuman struggles, and his argumentative appeals to the crown for justice are difficult to surpass. Take, for example, his description of a storm encountered among the islands while on his fourth voyage:

¹ *Hakluyt Society Publications*, 1st series, II. 142. In a letter to Ferdinand and Isabella written from Hispaniola while on his third voyage.

Never did the sky look more fearful; during one day and one night it burned like a furnace, and every instant I looked to see if my masts and my sails were not destroyed; for the lightning flashed with such alarming fury that we all thought the ships must have been consumed. All this time the waters from heaven never ceased descending, not to say that it rained for it was like a repetition of the deluge. The men were at this time so crushed in spirit that they longed for death as a deliverance from so many martyrdoms.²

Who could have written a more vivid description of that storm? It is almost the equal of Luke's account of Paul's journey and shipwreck.

Columbus is no less interesting in the masterly way in which he defended himself against his powerful enemies. These constantly opposed him and intrigued against him at the court and one, Bobadilla, even imprisoned him unjustly and sent him to Spain in irons. He does not lack words, however, to describe these experiences and to express his feelings most effectively, asserting that the king had ordered

inquiries to be made respecting me with reference to imputed misdeeds, such as were never invented in hell.³

And on that journey home in irons, when the master of the ship out of regard for Columbus offered to remove the chains, Columbus replied:

Since the king has commanded that I should obey his governor, he shall find me as obedient to this, as I have been to all his orders; nothing but his command shall release me. If twelve years' hardship and fatigue; if continual dangers and frequent famine; if the ocean first opened and five times passed and repassed, to add a new world, abounding with wealth, to the Spanish monarchy; and if an infirm and premature old age, brought on by these services, deserve these chains as a reward, it is very fit I should wear them to Spain and keep them by me as memorials to the end of my life.⁴

In reference to some "evil" men who had come out to the Indies and whom he discovered on his fourth voyage, he writes:

I declare solemnly that a great number of men have been in the Indies who did not deserve baptism in the eyes of God or men.⁵

² *Ibid.*, p. 179.

³ *Ibid.*, p. 158. In a letter to the royal nurse of Prince John.

⁴ *Ibid.*, p. LXII. Quoted in the introduction.

⁵ *Ibid.*, p. 165.

And on another occasion he writes forcefully and not without a subtle touch of humor of his enemies, who gloat over his having to battle storms in a worm-eaten leaky boat:

I wish they now had this voyage to make. I verily believe that another journey of another kind awaits them, if there be any reliance to be placed upon our holy faith.⁶

Probably the keenest rebuke for his ill treatment is found in the closing words of his letter to the royal nurse written for royal consumption, "God our Saviour retains his power and wisdom as of old, and, above all things, he punishes ingratitude".⁷

Another point of interest of Columbus's writings lies in their manifestation of his faith and missionary zeal. His journal and letters teem with expressions evidencing that he was a man of simple, sincere faith in God and of burning missionary zeal. He constantly thanks God for evidences of his favor. The Lord sends the wind in fair weather.⁸ He found a river and harbor at a most opportune time for fresh water and shelter "by the mercy of God which he has always extended me".⁹ "The Lord gave the spirit of intelligence to the queen", hence she listened to his plea for a commission to set out.¹⁰ "The support which I have found in our Lord and in his Highness has made me persevere".¹¹ In all his experiences, whether small or great, common or extraordinary, he sees the hand of the Almighty. After describing a terrible storm that he had to face because a Spanish governor did not allow him the protection of the harbor he writes:

What man was ever born, not even excepting Job, who would not have been ready to die of despair at finding himself as I then was, in anxious fear for my own safety, and that of my son, my brother and my friends and yet refused permission either to land, or to put into harbor on the shores which by God's mercy I had gained for Spain with so much toil and danger?¹²

Again, when he was suffering under the injustice of Bobadilla, and that, in irons, he says:

⁶ *Ibid.*, p. 197.

⁷ *Ibid.*, p. 168.

⁸ *Ibid.*, pp. 112, 113, 114, 119, 128, and in many other places.

⁹ *Ibid.*, p. 114.

¹⁰ *Ibid.*, p. 148.

¹¹ *Ibid.*, p. 149.

¹² *Ibid.*, p. 177.

But God is above, who with so much wisdom and power rescued Daniel and the three children, and who, if he please, can rescue me with a similar manifestation of his power, and to the advancement of his own cause.¹³

When he was becalmed among the islands, and the sailors complained that there was no great sea near, and that they would never have a wind to take them back to Spain, Columbus tells how the great sea rose without any wind and then continues:

The high sea was very necessary to me, such as had not appeared but in the time of the Jews when they went out of Egypt, and murmured against Moses who delivered them out of captivity.¹⁴

In similar vein he refers to Abraham and David.¹⁵ Their experiences were his experiences and, to Columbus's mind, he received personal aid from the Deity just as did the Hebrews of old.

A note of optimism, probably arising from this belief, is stamped upon all his writings. When the sailors complained to him and tried to turn him back, he said that however much they might complain, he had to go to the Indies, and that he would go on until he found them, with the help of the Lord.¹⁶ When his vessel was wrecked, "he knew that the Lord had caused the ship to stop here [on a reef] that a settlement might be formed".¹⁷ And concerning those who had to be left behind because of the wreck,

He trusted in God, that when he returned from Spain, according to his intentions, he would find a ton of gold collected by barter by those he was to leave behind, and that they would have found the mine, and spices in such quantities, that the sovereigns would, in three years, be able to undertake and fit out an expedition, to go and conquer the Holy Sepulchre.¹⁸

He writes in the same optimistic strain in face of those personal conflicts that seemed at times about to overwhelm him. In one place he says:

The Holy Spirit encompassed St. Peter and the rest of the twelve, who all had conflicts here below, they wrought many works, they suffered great fatigues, but at last they obtained the victory.¹⁹

¹³ *Ibid.*, p. 171.

¹⁴ *Ibid.*, 1st series, LXXXVI. 28.

¹⁵ *Ibid.*, II. 144.

¹⁶ *Ibid.*, LXXXVI. 35.

¹⁷ *Ibid.*, II. 137.

¹⁸ *Ibid.*, p. 139.

¹⁹ *Ibid.*, p. 154.

His letters not only ring with faith but also with missionary zeal. One is apt to question at times whether his utterances were inspired by real missionary zeal, or whether they were only intended to relieve his sovereigns in case the gold they hoped for and for which he hunted so assiduously was not obtained; or whether they were part of the stock in trade of a great promoter. However, it is well to give him the benefit of the doubt especially after reading his reports and appeals to the Spanish rulers relative to the evangelization of the natives. And one must remember also that such expressions were not uncommon in the Spain of Columbus's time, for the contest between Moor and Christian fostered them. It was to gain success in their conversion that he treated the Indians at first so kindly. It was for the same purpose that he seized certain natives and carried them to Spain that they might be trained in the Spanish tongue and become messengers of the gospel to their own people; notwithstanding that, in spite of his high motive, Las Casas severely condemned him for this, asserting that Columbus suffered on that account all the ills which later befell him.²⁰ But listen to the appeal of this zealot:

I hold, most serene princes, that if devout religious persons were here knowing the language, they would all turn Christian. I trust in our Lord that your highnesses will resolve upon this with much diligence, to bring so many great nations within the church, and to convert them, as you have destroyed those who would not confess the Father, the Son, and the Holy Ghost.²¹

Two questions arise as one reads the words of Columbus and ponders his actions, namely: was he truthful or was he fanciful? One can scarce keep back some tinge of suspicion at Columbus's deception in keeping two logs of his voyage. In one log he kept an accurate account of the distance; in the other he reduced the distance actually covered, so that the sailors would not realize that they were so far from home. When his own record was seven hundred and seven leagues, the log prepared for the sailors recorded only five hundred and eighty-four.²² This was not his first offense in deception, for once before, according to his own statement, he had changed the points of the compass and had taken his vessel to Tunis although the sailors thought that in accordance with their demands, they were sailing for Marseilles.²³

²⁰ *Ibid.*, LXXXVI. 75.

²¹ *Ibid.*, p. 72.

²² *Ibid.*, LXXXVI. 30.

²³ *Ibid.*, II. XXXIII.

Was he fanciful? He seemed so in some respects. Such conclusion is almost inevitable in face of his arguments and conclusions concerning Eden and the fourth river of the garden and concerning the new heaven and the new earth. Columbus, from his study of the scriptures and other writings and from his observations, concluded that the fresh waters of the Orinoco pouring out into the sea formed the fourth river mentioned in Genesis.²⁴ He was just as certain, also, to judge from his writings, that in the Indies he had discovered the new heaven and the new earth of the Apocalypse of John.²⁵ A quotation from the letter written on his fourth voyage to the Catholic kings is in point. He had sent his men to get fresh water, but these had been attacked by the natives and the sea had become so high that they could not return. He says:

I was alone, outside, upon that dangerous coast, suffering from a severe fever and worn with fatigue, all hope of escape gone. I toiled up to the highest part of the ship, and, with a quivering voice and fast falling tears, I called upon your Highnesses' war-captains from each point of the compass to come to my succor, but there was no reply. At length groaning with exhaustion I fell asleep, and heard a compassionate voice address me thus: "O fool, and slow to believe and to serve thy God, the God of all! What did He more for Moses, or for David his servant, than he has done for thee? From thine infancy He has kept thee under His constant and watchful care. When He saw thee arrived at an age which suited His design respecting thee, He brought wonderful renown to thy name throughout all the land. He gave thee for thine own the Indies, which form so rich a portion of the world and thou hast divided them as it pleased thee, for He gave thee power to do so. He gave thee also the keys of those barriers of the ocean sea which were closed with such mighty chains, and thou hast obeyed through many lands, and gained an honorable name throughout Christendom. What more did the Most High do for the people of Israel, when he brought them out of Egypt? or for David whom from a shepherd He made to be king in Judah? Turn to Him, and acknowledge thine error—His mercy is infinite. Thine old age shall not prevent thee from accomplishing any great undertaking. He holds under His sway the greatest possessions. Abraham had exceeded a hundred years of age when he begat Isaac: nor was Sarah young. Thou criest out for uncertain help. Answer, who has afflicted thee so much and so often, God or the world? The privileges promised by God, He never fails in bestowing: nor does He ever declare after a service has been rendered Him, that such was not agreeable with His intention, or that He had regarded the matter in another light, nor does He inflict suffering in order to give effect to the manifestation of His power. His acts answer to His words; and it is His custom to perform all His promises without interest. Thus I have told you what the Creator has done for thee, and what He

²⁴ *Ibid.*, II. 135-137.

²⁵ *Ibid.*, p. 148.

does for all men. Even now He partially shows that the reward of so many toils and dangers incurred by thee in the service of others".

I heard all this as it were in a trance; but I had no answer to give in definite words, and could but weep for my errors. He who spoke to me, whoever it was, concluded by saying, "Fear not, but trust: all these tribulations are recorded on marble, and not without cause".²⁶

But above all, a study of the writings of Columbus show him to have been a man of high intellectuality. He was familiar with the bible from Genesis to Revelation. He was also well acquainted with Josephus, St. Augustine, Ambrose, Isidore, Bede, Strabo, Scotus, Comestor (whom he calls the master scholastic of history), Ptolemy, Aristotle, Seneca, Pliny, Marco Polo, John Mandeville, Cardinal Petro Aliaca, and others.²⁷ His mind must have been saturated with the writings of these men for he did not write from a library, but on shipboard and from far off islands of the sea.

In fact, it was not any ordinary skipper who had gained the ear of the famous rulers and in face of the adverse criticism and the determined opposition of the *literati* of Spain had convinced those rulers of his own trustworthiness and of the feasibility of his project. To his mind he was not setting out on any uncertain journey when he set sail for the Indies. He was following a firm conviction based on the most thorough study of the evidences of the best geographers and astronomers. To judge from his writings, one must conclude that Columbus was one of the really learned men of his time.

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EDUCATIONAL REVIEWS OF SPAIN AND SPANISH AMERICA

ARGENTINA

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²⁶ *Ibid.*, p. 184.

²⁷ *Ibid.*, pp. 134-140.

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grafía y la educación", by Rufino A. Tejerina; and "Rosseau y la educación natural", by José D. Calderaro. Readings for teachers—"La pedagogía de James", by Corolianio Alberini; "Palabras pronunciadas hace 29 años", by Pablo A. Pizzurno. Information for teachers—Alejandro Volta; "El murciélagos", by M. A. Cervini; Venenos, usos, síntomas y antídotos; lexicográficas; y gramaticales. Children's section—"El árbol", by Raquel Adler. Educación Física—"Síntesis del sistema argentino de educación física", by Dr. Enrique Romero Brest; Juegos escolares. Bibliografía—"Crítica Democrática", by Arturo Orgaz, and "Ensayo sobre el instinto", by Porfirio Fariña Núñez". Publicaciones recibidas. Sociales.

Sarmiento. Fortnightly review of pedagogy, literature, and current affairs, defender of the progress of public instruction. Year III. No. 58. Rosario de Santa Fé, July 31, 1927. Director and manager, Juan Torres; offices, Pasaje Americano N. 1925.

Summary: Lucha entre la verdad y la mentira. La jefatura de la inspección local. Un descubrimiento prodigioso. Abono para la planta. La felicidad conugal de maestros y maestras. Cosas de la burocracia. Llegó la leche. "Flor primaveral" (vidalita), by Juan Torres. "La obra del educador", by V. R. Andino. La mutualidad antituberculosa del magisterio. "El té de la marquesa" (story), by R. Blanco. Resultado de una pregunta. Una buena resolución. En la inspección local. Iniciativa que debería cumplirse (en materia de ascensos de inspectoras). Vendrá el Dr. Castellanos. Un hecho inexplicable. Nombramientos. Programas analíticos para las escuelas primarias de Santa Fé.

CHILE

Boletín Educacional de "Nuevos Rumbos". Organ of the General Association of Teachers in Chile. Fortnightly Review. Santiago de Chile, June 24, 1927, No. 2. (Casilla 2898).

Summary: "El interés y la enseñanza", by Hugo Barrios. "El nacimiento de la inteligencia en el niño", by Juan Piaget. "El problema de la poesía escolar", by H. Díaz Casanueva. "Todo está basado en el odio", by Julio R. Bareos. Libros folletos y publicaciones. Noticias.

CUBA

Revista de Instrucción Pública. Monthly publication. Official organ of the Department of Public Instruction and Fine Arts of the Republic of Cuba. Year III. Habana, January, 1927, No. 1.

Summary: "Hacia la renovación pedagógica", by A. M. Aguayo. "La cívica de la comunidad en las escuelas primarias superiores", by el Dr. Arturo Echemendia. "Organización del trabajo manual y la enseñanza de las artes industriales en las escuelas primarias", by Arturo Montori. "Las mentiras infantiles", by Dr. María Rodríguez Narrero. "Educación autónoma", by María Verdés.

"Medida del desarrollo mental o grado de inteligencia", by Dr. Rafael G. Crespo. "Ideas sobre la evolución de la educación en México", by Ramiro Mañalich. "Instituciones escolares", by Dr. Diego González. "Un precursor de la nueva educación", by Mlle. Mangin. Sección práctica. Noticias escolares. Sección legislativa. Sección de estadística. Bibliografía.

ECUADOR

Educación. Teachers' monthly review. Organ of the Dirección de Estudios of Pinchincha. Director: Emilio Uzcátegui. Year I, No. 11. (Casilla 17, Quito).

Summary: "Planes y programas de trabajos, no de estudios", by E. Uzcátegui. "Orientaciones de escuela norteamericana", by Maximiliano Salas M. "Salvate Párvulos. El niño debe ser el primero en recibir socorros en toda ocasión de calamidad pública", by Carlos R. Sánchez. "Construcciones escolares", by E. Uzcátegui. "La instrucción pública en Rusia". "La literatura infantil", by Marcelo Braunschwig. "La República del Ecuador. Las bases de su suelo y clima", by Ramón Ojeda. "Gimnasia y juegos", by A. Molina. "El espíritu de las reformas educacionales en la República Mexicana", by César Mora. Bibliografía. Noticias de la vida educacional. Oficios—Formación de hábitos de concursos de dibujos. Asunto de los oficios. Buen trato al material.

Revista de Instrucción Primaria. Year II. No. 13. Director, Luis U. de la Torre (Casilla No. 23, Ibarra, Ecuador).

Summary: Nota editorial. Sueldos de los preceptores. "Por la humanidad futura", by José Ingenieros. "El problema de la educación nacional", by José A. Segovia. "Mis lecciones de I. Moral y Cívica", by Rafael Larrea A. "Ciencias Físicas (Evaporación) Nuevo procedimiento para la Enseñanza de la Ortografía", by Abelardo Flores. "Moral y Cívica", by O. S. Marden. "El doctor Pedro Moncayo", by Francisco H. Moncayo. Información oficial—El concurso escolar de 1927 en Imbabura; jubilación de un Director de Estudios en Imbabura; el 24 de mayo en las escuelas. Efemérides. Publicaciones recibidas.

GUATEMALA

La Educación Rural. Monthly review. Organ of the Dirección General de Cultura indígena y Desanalfabetización. (Publicaciones de la Secretaría de Educación Pública, Guatemala, C. América.) Vol. I. Nos. 1, 5 and 6. Guatemala, May and June, 1927.

Summary: El porqué se pide labor social (editorial). Las grandes ideas de John Dewey. "Influencia de la escuela rural en la gente del campo", by M. Morazán. Las frutas. Algo muy interesante sobre Higiene Escolar. "La Sin ventura", by Abraham Orantes O. "El método Decroly", by Gabriela Mistral. Las columnas de la escuela rural. El gran poder de la educación. Página especial para los niños. Tecún Umán. Para vosotros, maestros rurales. Una lección de

lengua castellana. Por los animales. La agricultura en las escuelas rurales. El Congreso de Directores departamentales. Una carta abierta para un director departamental. Otra carta de unos humildes maestros que hacen y piensan mejor. Contestando a unos entusiastas maestros. Nueva escuela rural. Nómina de maestros rurales. Pruebas educativas (exámenes). Decálogo del niño guatemalteco. Concurso. Varios.

HONDURAS

La Enseñanza Primaria. Monthly publication. Organ of Dirección General de Enseñanza Primaria. Year VII. No. 60. Tegucigalpa, Honduras, July, 1926.

Summary: Circulares de la Dirección General de E. P.—Las edades de la inteligencia. Matrícula, asistencia media y tanto por ciento habido en las escuelas de la república, durante los meses de abril y mayo del presente año. Cuatro de las cuotas enviadas a "El Ahorro Escolar", correspondientes a mayo, por el Director e Inspector Escolar Departamental de Colón. Conocimiento del número de alumnos que concurrieron a la Fiesta de los Arboles y número de árboles sembrados en las escuelas del departamento de Ocotepeque. Acta de la Sociedad Pedagógica de La Ceiba. Informe del Tesorero de "El Ahorro Escolar Hondureño". Los diez mandamientos para los alumnos. Viveros forestales para las escuelas. La Naranja, por Nicholls-Pittier. Acta del Consejo Nacional de Educación. Un telegrama y un suelto sobre el libro del profesor Luis F. Lardizábal.

MEXICO

Coopera. Official Organ of Departamento de Enseñanza Primaria y Normal de la Secretaría de Educación Pública. Vol II. June, No. 4. Monthly review.

Summary: Editorial. Tests en Aritmética. "Abreviaturas de la multiplicación", by Luis Unda E. "Distancia a la cual debe verse y algunas de sus consecuencias", by E. B. Notson. "Newton y su ley de gravitaciones universal", by Waldemar Kaempffent. "La enseñanza del lenguaje", by Nicolás Alvarez Zúñiga. "La obra educativa del Departamento de Bibliotecas", by Juana Manrique de Lara. Campaña Pro-Limpieza. Campaña educativa Pro-Seguridad. La enseñanza del español a los niños y adultos campesinos. Lo que gastó México en la educación el año de 1926. Los delegados de México en el Congreso de Honolulú. Departamento de Enseñanza Primaria y Normal. Gacetilla pedagógica. Bibliografía.

El Magisterio Mexicano. Monthly review of education, sciences, and art. Organ of the Asociación Nacional de Maestros Normalistas. Director, Everardo Cruz. Vol. II. May, 1927. Nos. 28 and 29. (4a. de la Magnolia núm. 82. México, D.F.)

Summary: Lo que opinamos (a cargo del Director)—(a) Nuestra segunda encuesta; (b) Cómo trabajan las maestras con el libro "Ríe" y qué es lo que piensan;

(c) Se reunió un Congreso de Maestros; (d) Han quedado suprimidos los bailes en los establecimientos escolares; (e) Un nuevo colaborador. La primera contestación a nuestra encuesta: Habla el profesor don Francisco Montes de Oca. La actualidad pedagógica (a cargo del profesor R. Ramírez)—(a) Proyecto de trabajo. Primer ciclo. Primer grado (Vida comunal). Prof. Montes de Oca; (b) Homenaje a un maestro. Próf. Cristino Villegas; (c) Cantos y juegos para el hogar y la escuela. Hugo Conzatti. Poemario (a cargo de la señorita profesora Carmen García Lizardi)—“Los maestros humildes”, by Rafael Heliodoro Valle. Sección de Higiene (a cargo del Dr. Pastor G. Rocha)—Cómo purificar y respirar el aire libre. De la vida escolar (a cargo del profesor José H. Bravo)—(a) Con una animada reunión de carácter fraternal se celebró el Día del Maestro; (b) Una hermosa fiesta de arte organizó la Secretaría de Educación Pública para celebrar el Día del Maestro; (c) Las sociedades de padres de familia celebraron el Día del Maestro; (d) Gracias. Coro. La canción del mar.

El Niño Laborista. Monthly paper. Organ of the Escuela Primaria Federal para Niños de Empalme de Cañitas, Zacatecas. Year II. Nos. 7 and 9. May, 1927.

Summary: Sección del maestro y para el maestro. Sección del niño y para el niño. “Un mensaje de salud para los niños y para las niñas de la República Mexicana”. Ilustres educadores zacatecanos: el señor Francisco L. Castorena. Para madres de familia. Cuál es la mejor escuela rural: una encuesta abierta por la Secretaría de Educación Pública. Una misión cultural de la Secretaría de Educación Pública, visita este Estado. “Misiones culturales ambulantes en el Estado”, by Teodoro R. Valenzuela. Sección oficial. La educación del indígena. Sección industrial y de Trabajos Manuales. (Curso de Jabonería). Sección del cultivo de la tierra. Sección de higiene. La tuberculosis. Sección de literatura y diversos. “El hogar y la escuela”, by Luis Juárez. “El maestro anónimo”, poetry of Rafael Heliodoro Valle.

Ilustración. Monthly pedagogical review. (Escobedo 92, Monterrey, N.L.) Organ of the “Acción Cultural”. 2d series, No. 4, May, 1927.

Summary: Metodología práctica. “El libro de lectura”, by Ciro N. Treviño. “Sobre las denominaciones de las nuevas escuelas”, by M. C. Santos. “Bosquejo histórico de la enseñanza de la lectura”, by Antero Alanís. El pragmatismo y la escuela de la acción. Actividades normalistas.

Estímulo Educativo. Director, Professor Alfonso Zavala. (V. Guererro, núm. 404, C. Juárez, Chihuahua). Year I, C. Juárez, September, 1927, No. 1.

Summary: En la liza. La patria. “La iniciativa. Su fase general”, by E. Rodríguez Sáenz. “Tema de sociología”, by Arturo Alcocer. Jocosidades. Leer sin comprender. El arte de conversar.

PARAGUAY

La Nueva Enseñanza. Bulletin of the Consejo Nacional de Educación. Year I. 1927. Vol. I. No. 2. Director: Prof. Ramón I. Cardozo. Asunción.

Summary: I. Redacción: "El psicoanálisis y la educación o sea, el freudismo como método auxiliar de educación", by Professor Ramón I. Cardozo. "Las actitudes prácticas y el aprendizaje de las artes", by Professor Gaspar N. Cabrera. "Concepto de la Pedagogía", by Professor Juan R. Dahlquist. "Los factores económicos en los destinos de las naciones. El materialismo histórico", by Dr. Rodolfo Ritter. II. Didáctica: Escuelas inferiores. Ganadería. Primer grado inferior. Nuestros programas analíticos. "Aritmética. Grado complementario", by Lucía Tavarozzi. "Las manualidades en las escuelas del Paraguay", by Adela Ruiz. "Coeducación", by Santiago M. Talia. "Fabricación del jabón". "Literatura", by Dr. Ignacio A. Pane. "Tejido en telar", by María F. de Casati. "Proyecto de escuela agropecuaria", by P. Bruno Guggiari and Carlos Fiebrig. III. Informaciones extranjeras—Valor educativo de la enseñanza de las ciencias en la escuela elemental. Las "Platoon Schools". Tendencia de la enseñanza Moderna (Geografía en el tercer grado). IV. Resoluciones oficiales Proyecto de presupuesto para 1927/28. Elevado por el Consejo Nacional de Educación al P. E. Biblioteca circulante. Fiestas escolares de mayo.

SPAIN

El Magisterio Español. Public Instruction paper. Year IV. No. 19. (Apartado 131, Madrid).

Summary: Revista pedagógica—Italia: El gobierno fascista y las asociaciones de funcionarios. Méjico: Renacimiento de la educación. "Estudio del carácter", by Anselmo González. "Los maestros y la política", by Luis Santullano. "La del alba sería", by J. Salvador Artiga. "Lo que las horas dejan", by Lillo Rodelgo. "La enseñanza de la escritura", by Isabel Nogueral. "La Maestra de Araviana", by Manuel Ranz. "Santiaguín", by J. Anguita. "Marcos y su abuela", by S. Libros y revistas: "Soria, la ciudad del alto Duero", by Gervasio Manrique; "La escuela activa", by A. Ferrière; "Vida de Ozanam"; "Discursos y alocuciones"; and "Catálogo de la Exposición pedagógica". La escuela en acción—Desarrollo completo de los grados de iniciación, primero, segundo y tercero.

Revista de Escuelas Normales. Organ of the Asociación Nacional del Profesorado Numerario. Director: Modesto Bargalló. Year V. Guadalajara, June, 1927, No. 46.

Summary: "Las vegetaciones adenoideas", by Jacobo Orellana Garrido. "Fray Luis de León y La Perfecta Casada", by Enrique Esbri. "Ejemplos: Cura de almas", by Alfredo Jara Urbano. "Lecciones prácticas a los alumnos normalistas en las graduadas de las normales", by Alejandro de Tudela. "Una

clase de Geografía'', by Pedro Chico. ''Sobre la elaboración del material de enseñanza en las escuelas'', by Francisco Manuel y Nogueras. ''El centenario Pestalozziano en la Normal de Albacete'', by Isidro Reverte. ''El Instituto de Pestalozzi de Iverdon'', by Marco Antonio Jullien. ''Más sobre el orfelinato'', by Francisco Romero. ''Jardines de la Infancia en Bruselas'', by Juan Ribera y Villaró. Libros y revistas. Revistas. ''Guardería para niños de pecho, de la Junta de Protección a la Infancia, de Barcelona'', by A. Frías y Roig. Prensa y noticias. Al margen de lo legislado. Societarias. Económicas.

Vida Escolar. Monthly pedagogical review. Desarrollo de lecciones en escuelas maternales, de párvulos, niñas y niños. Ciudad Lineal—Madrid, April, 1927. Year III, No. 4. (Marqués de Torrelaguna; 20).

Summary: ''La enseñanza de la historia, el nacionalismo y el pacifismo'', by Alfredo Gil Muñiz. ''La economía en la escuela'', by Julia Madrid. ''Educación activa'', by Inocencio López Aller. ''Lección de geometría'', by Gabriel Blanco Pueyo. La opinión de los demás. Revista de revistas. ''Una clase de Dibujo del natural'', by Lorenzo Gascón. Aprendamos de los niños. ''El sentimiento del derecho'', by José Marín Quesada.

Revista de Segunda Enseñanza. May, 1927. Extra number. Teaching, Education, Investigation, Bibliography. Year V, No. 32. Editorial and business office, Plaza de Isabel II, No. 5, Madrid.

Summary: Crónica—el texto único. Comentario: IX Congreso Internacional Artículo interesante—''Para mí contendiente; No fué esa la intención'', by José Rogerio Sánchez. IX Congreso Internacional de Segunda Enseñanza—I. Comité de honor; II. Comité de organización; III. Orden del día; IV, Cuestionario. La opinión extranjera—Juicio acerca de nuestra segunda enseñanza'', by A. Rohlfing. Nuestros colegas hispano-americanos—Alfonso Durán; ''Hispanoamericanismo'', by Alfonso Durán. Nuestros Colegas extranjeros—''Antonia Dickertova'', by María Felisa R. S. ''Escrito de las nuevas tierras'', by C. Straka. Nuestros colaboradores—''La última conferencia de Rodríguez Marín'', by Luis Redonet; Un éxito del Dr. Díez Lozano Ciencias y Letras—Aristóteles y Confucio: ''La virtud'', by Vicente Feliú Egidio. Centenario de Góngora—Algunos sonetos del gran poeta. ''Fragmento de una conferencia radiotelefónica'', by José Rogerio Sánchez. ''Klein, el Instituto y la Universidad'', by Pedro Puig y Adam. Sección pedagógica—Instituto de San Isidro; Un interesante trabajo escolar: Cómo hemos graduado la Regla de Cálculo. Apuntes de una excursión a Toledo. Biblioteca escolar. Instituto de Barcelona—Excursión escolar. Vida escolar fuera de España; Viaje a Inglaterra, by J. Burri. Sección varia—''Nosotros'', by Juan Carandell. ''La bibliotecas populares y su influencia en la cultura'', by J. María Ramos. De la alta cultura al gran público—La ''Colección Labor'': ''Un hondo problema cultural'', by E. Navarro Salvador. Bibliografía—Libros de Gaibrois de Ballesteros, Ballester y Castell, Blanco y Sánchez, Escuela Normal de

Madrid, Revista del Colegio Nacional "Vicente Rocafuerte", Universidad, Investigación y Progreso, R. de Silva, Lovaina, Arnáiz y Alcalde. Última hora—Real decreto aprobando el reglamento provisional de exámenes de los estudios de segunda enseñanza. Anuncios.

Revista de Pedagogia. Year IV. Madrid, April, 1927. No. 64.

Summary: "Ferrante Aporti y el problema de la educación de los párvulos en Italia", by Giovanni Vidari. "La Asociación Nacional del Magisterio primario", by Félix Martí Alpera. "El libro de la vida: Las sociedades de las hormigas", by Enrique Rioja. "Una visita a la Maison des Petits" de Ginebra, by Pablo Miaja; "Pruebas de la efectividad en la escuela", by Dr. E. Mira. Notas del mes; Ante la próxima reunión de la Asociación Nacional del Magisterio; La escuela activa. Informaciones—Concurso mundial de dibujos de niños para la ilustración de la Declaración de Ginebra; Leyendo nuestro presupuesto de Instrucción Pública; Sobre el "Método de proyectos"; María Montessori y la nueva escuela. Libros—J. Xirau, A. Gil Muñiz, Teodoro Causí, María La. Navarro. Noticias. Libros recibidos. Liga Internacional de Educación Nueva.

URUGUAY

Enciclopedia de Educación. Quarterly publication relative to foreign works. Vol. I. No. 2. June, 1927. Montevideo, Publicación de la Dirección de Enseñanza Primaria y Normal.

Summary: "El maestro rural", by J. Eychéne. "A propósito de cooperación escolar", by V. Voiron. "Las cooperativas escolares. Respuesta a algunas objeciones", by P. L. "Algunas palabras sobre la escuela activa", by Alberto Richard. "El contenido pedagógico de la reforma escolar rusa", by José Rezzano. "La pedagogía de Jorge Kerschensteiner", by Lorenzo Luzuriaga. "La escuela del porvenir según Angelo Patri", by Rodolfo Llopis. "El método Decroly aplicado a la escuela", by L. Dalhem.

Anales de Instrucción Primaria. Bi-monthly publication relative to national works. Dirección de Enseñanza Primaria y Normal. Montevideo, Uruguay. Vol. XXX. No. 2, April, 1927.

Summary: "Algunas bases para la organización de la enseñanza técnica para fines industriales en los países latinoamericanos", by A. Samonati. "Algunas indicaciones sobre los nuevos programas escolares", by Eduardo Rogé. "El método Decroly y sus aplicaciones en Bélgica", by Olimpia Fernández. "Ideas básicas sobre las que funciona la escuela rural de experimentación libre de Estación Progreso (Canelones)", by Otto Niemann. "Observaciones sueltas. Sobre exámenes de lenguaje", by Joaquín R. Sánchez. "Hora plena", by Luisa G. de Murguia. "Las nuevas corrientes pedagógicas. Los libros escolares de Abadie y Zarrilli", by A. Zum Felde. Reuniones semanales de maestros. "La enseñanza normal y sus relaciones con el niño", by Horacio Dura; "Aritmética y materias afines en 6º grado", by Enriqueta Lafferriere; "La matemática en

7º. grado'', by Eduardo Camuirano. "Breves observaciones sobre la aptitud caligráfica del niño y método correspondiente de enseñanza de la asignatura'', by Juan A. Pedemonte Lamp. "Hasta qué punto puede fomentarse la vocación del niño en la escuela'', by Angélica Silveira Larrart de García; "La dulzura como principio de educación'', by Enrique Brazeiro. Información nacional—Concurso de libros de lectura; Cursos escolares de vacaciones; "Enciclopedia de Educación"; "Educación"; Aníbal Caffera Abadie y Manuel Nieto y Clavera; La memoria de la Dirección de Enseñanza; Organización de los cursos vespertinos. Información extranjera—Alemania: Consejo de padres en Hamburgo; Argentina: Seguro escolar; Checoslovaquia: Renovación pedagógica; Francia: La Granja Escuela de reeducación de inválidos; La escuela del buen sentido; Panamá: Higiene escolar; Puerto Rico: Enseñanza profesional; Estado de la instrucción pública; Suiza: Encuesta sobre los exámenes anuales. Sección de Técnopsicología del Instituto J. J. Rousseau, de Ginebra.

Boletín de la Sociedad de Pedagogía. Montevideo. Year IV, No. 5, 1927.

Summary: "Una pedagogía objetiva. La biología y la Fisiología, únicos fundamentos de la ciencia pedagógica", by José Pedro Massera. Notas. Actas.

Educación. Review of modern pedagogical and sociological studies.

Director: Professor Sebastián Morey y Otero. Editorial and business office: Paraguay, 1543. Montevideo. Year V. No. 55.

Summary: Algunas proposiciones fundamentales para una ideología de la escuela americana (editorial). Reorganización de "Educación". "El campamento escolar de Piriápolis", by Emilio Fournié. "El laboratorio de Ciencias Biológicas", by Clemente Estable. "La psicología en el nuevo plan de estudios magisteriales", by S. Morey Otero. "La Economía Doméstica en el Instituto "M. Stagnaro de Munar", by Victoria Frigerio. Notas del mes—Un hermoso triunfo. Conferencia de la Prof. Débora Vitale D'Amico; Curso de vacaciones; Conferencia del Prof. Otto Niemann. Consultorio pedagógico—Psicométrica Termann; Los concursos; Campamentos escolares. "Los problemas de la enseñanza primaria", by Hipólito Coirolo. "A manera de proemio", by Blas S. Genovese. "La escuela nuestra", by Sabas Olaizola. "Las escuelas libres", by Otto Niemann. "A propósito de nacionalidad", by Mena R. de Loubeffosse. "Enunciado y comentarios de algunos problemas escolares", by Alfredo Larrobla. Temas de examen y concurso: 2º. grado, "Química". Algunas dificultades en la nomenclatura de los óxidos", by L. A. Barbagelata Biraben. "La multiplicación", by Isabel San Miguel. Informaciones. etc.

RAFAEL HELIODORO VALLE.

Mexico, 1928.

NOTES

Revista de Estudios Hispánicos is the name of a new quarterly (first number, January-March, 1928) published in New York under the auspices of the Instituto de las Españas en los Estados Unidos, and by the University of Puerto Rico, as the organ of its department of Hispanic studies. It has the collaboration of the Centro de Estudios Históricos de Madrid, of Columbia University, and the Sociedad Cultural Española de Puerto Rico. Its board of directors consists of Thomas E. Benner, rector of the university, Ramón Menéndez Pidal, Tomás Navarro Tomás, John L. Gerig, Federico de Onís, Stephen P. Duggan, John D. FitzGerald, J. D. M. Ford, E. C. Hills, Samuel McCune Lindsay, José Padín, Leo S. Rowe, William R. Shepherd, Susan H. Vernon, and Lawrence A. Wilkins. On the editorial board are: in Porto Rico—Ramón Lavandero, Concepción Meléndez, A. S. Pedreira, and Rafael W. Ramírez; in Madrid, Américo Castro, E. Díez-Canedo, T. Navarro Tomás, and Fernando de los Ríos; in New York, E. Herman Hespelt, Federico de Onís, José Padín, and Robert H. Williams. Under such auspices, and with directors and editors of the caliber shown by the above names, the new review can hardly fail of success. The first number contains the following articles: "Hacia la amistad triangular", by William R. Shepherd; "De los nombres de Puerto Rico", by A. S. Pedreira; and "Ingleterra, Francia, España: su evolución histórica", by S. de Madariaga. Following these are a book review section, a section devoted to present-day literature, one devoted to notes and comment from Hispanic American countries and from universities, and a list of books and articles on Hispanic America. In the literary section, are the following: "La vida literaria en España", by A. del Río; "La vida literaria en Chile", by A. Torres Ríoseco; and "Recuerdos de Unamuno y su poesía", by M. Aramburo. The Bibliographical list might be improved possibly by less classification and by an alphabetical arrangement. This first number is excellent throughout, and presages a good future for the new review. The editorial board of THE HISPANIC AMERICAN HISTORICAL REVIEW wish it all success, including a large circulation. It has a distinct field of service.

The Pan American Union has recently published a revised edition of its pamphlet *Latin America—Suggestions for Teachers*. This

valuable pamphlet (Education No. 2) gives a short statement relative to the material available at the Pan American Union. Relative to the library of the Pan American Union, the pamphlet states (p. 2):

The Union maintains a special library on Latin America that now contains over 60,000 titles and has a dictionary catalogue of over 225,000 cards; and while this material is only available for reference purposes at the library, it is a source of bibliographies that can be supplied by mail.

Other recent pamphlets are *Summer courses in Spanish and Portuguese* (Education No. 5), revised edition reprinted from the *Bulletin of the Pan American Union*, March, 1928; and *Need for Study of Portuguese in the United States* (Pan American Culture, No. 10), reprinted from the *Bulletin* January, 1928, the latter being written by Dr. J. de Siqueira Coutinho. The importance of all three pamphlets is self evident. They can be had by addressing the Pan American Union.

With the July number of the *American Historical Review*, Dr. J. Franklin Jameson, its editor for well over a quarter century, ceases to be responsible for the appearance of the *Review*, having resigned his office, because of the taking on of new duties in the Library of Congress. Dr. Jameson, the Dean of American historians, will be remembered as the greatest historical editor of his time. By his careful, conscientious work, his meticulous and delicate handling of the English language, his wide knowledge of history and the processes of history, he has been the ideal editor. He has, through his work on the *American Historical Review*—to name only one of his many activities—builded himself a “monument more enduring than brass”; and he goes now to other activities in which he will continue his service to all who come to him in the name of history. No other man, it is safe to say, has helped so many historical students as has Dr. Jameson.

At the annual meeting of the American Historical Association in Rochester, New York, in December 1926, the question of establishing a review in the field of modern history was considered informally by members of the association. A committee, consisting of Professors C. P. Higby (Wisconsin), chairman, R. J. Kerner (Missouri), C. J. H. Hayes (Columbia), W. L. Langer (Harvard), and A. Hyma (Michigan), was created, with power to take such action as it might deem

wise. Now comes the pleasing news that the first number of the new review will issue from the University of Chicago Press, in January, 1929. Because of the financial responsibility assumed by the University of Chicago Press, the editorial control of the review will be vested in the Press. The name chosen for the review is *Journal of Modern History*. In its preliminary work the committee on organization had the hearty coöperation of *The American Historical Review*, which readers will remember also was the first friend of THE HISPANIC AMERICAN HISTORICAL REVIEW.

The announcement of the *Journal* says pertinently:

The American Historical Review, as the organ of the American Historical Association, has to concern itself with all fields of history and has been able to offer only limited facilities to students of the modern period for the publication of articles and reviews of books. The purpose of *The Journal of Modern History* is to supplement the work of the *Review*.

The editorial board consists of Bernadotte E. Schmitt, Managing Editor, Louis R. Gottschalk, Assistant Editor, and H. E. Bourne, C. J. H. Hayes, R. J. Kerner, Paul Knaplund, W. L. Langer, T. W. Riker, Howard Robinson, Preserved Smith. This REVIEW hopes that the *Journal* will have many years of useful service in its chosen field and that it will gain the circulation that it should have. It has a distinct place in the historical work of this country. The establishment marks the successful termination of many years of effort and planning by its advocates.

A special subscription price of \$3.00 a year is offered to members of the American Historical Association. The regular subscription price is \$4.00.

The Pan American Union has compiled a list of "Bibliographies pertaining to Latin America in the Columbus Memorial Library of the Pan American Union". This is a typed list of 34 pages classified by countries, and the titles are annotated. It will be found useful in historical research.

The Boletín de la Biblioteca Nacional de Venezuela, under the direction of Señor José E. Machado, contains in its recent numbers several studies of special interest. In No. 16-17, July-October, 1927, is published "Lista de algunos periódicos que vieron la luz en Caracas desde 1808 a 1900"; in No. 18, January, 1928, "Índice alfabético de

las cartas contenidas en los tomos de I a XII de la colección O'Leary"; and in No. 19, April, 1928, "Lista de seudónimos y anónimos en la literatura y en la política venezolanas". The "Catálogo de la Bibliografía Nacional" is being continued through all these numbers.—C. K. JONES.

An interesting and valuable work is the *Catálogo de la Biblioteca [del Joskey Club] seguida de una tabla alfabética de autores y otra de colaboradores*, Buenos Aires, Argentina, 1928. This classed catalogue of 1218 pages of an unusually fine collection is a demonstration of the activities of this famous club most surprising to those unacquainted with its history. The library contains 34,156 bound volumes and is growing at the rate of 800 or 1,000 volumes a year. From its beginning, it has devoted special attention to the history and literature of Argentina. Second in importance is material on the other countries of America. The Catalogue is a useful contribution to Hispanic-American bibliography.—C. K. JONES.

Through the initiative of Rafael González Abreu, a native and citizen of Cuba, but residing in Spain, there has been established in Seville an association named "Instituto Hispano-Cubano de Historia de América". The directing council consists of Rafael González Abreu, José de Castro y Castro, dean of the faculty of historical science of the University of Seville, and Juan Diez y del Moral, formerly a professor in the same faculty, the two latter being respectively president and secretary. The technical direction of studies is in charge of José Ots y Capdequi, professor of the history of law of the University of Seville. The Instituto aspires to become a center for historical research in Spanish archives. It has already begun the editing of systematic inventories of the Archivo General de Indias, and has planned other work which may be classified under the heads of bibliography, the founding of a special library, the cataloguing of documents in Spanish archives, the inculcation of courses of studies and the holding of seminaires, and the publishing of a review or bulletin, in which will appear many hitherto unpublished documents. The Instituto may, perhaps, in its aspirations be compared somewhat to the Historical Research Department of the Carnegie Institution of Washington which functioned almost from its beginning to its close

under the able directorship of Dr. J. Franklin Jameson, and which in the course of its activity published so many useful tools for the historian, and the discontinuance of which as a separate entity has been a blow to American history from which recovery will be slow or for ever unrealized. It is to be hoped that the Instituto will suffer no reverses of this nature but that its course will be smooth and one of constantly increasing service. Its program as outlined promises much for the history of the Americas in general and of Cuba in particular.

To the May meeting of the American Library Association held in West Baden, Indiana, Mexico sent six representatives, namely, Licenciada Esperanza Velázquez Bringas, chief of the Department of Libraries, of the secretariat of Public Education; Dr. Rafael de Aguilar y Santillán, president of the well known Alzate Society of Mexico; Joaquín Méndez Rivas, Director of the National Library, Mexico; Dr. Joaquín Díaz Mercado, librarian of the Public Library of Mexico, Dr. Tobías Chávez, librarian of the University of Mexico; and Sr. Rafael Heliodoro Valle, editor of *El Libro y el Pueblo*, and well known as a bibliographer and poet. All six took active part in the discussions of the meeting. They are much interested in bibliographical coöperation in the Americas. At the close of the session, they visited Washington and New York. At future conferences of the American Library Association, there should be delegates from all Hispanic American countries.

At the meeting of the American Library Association noted above, Señorita Esperanza Velázquez Bringas presented a paper entitled "The educational role of Libraries in the Republic of Mexico." In this comprehensive paper, Señorita Bringas spoke briefly on the following heads: I. General Conditions of Public Education in Mexico. II. Synthesis of the work of the Department Libraries. Library economics and the bibliographical movement in Mexico. III. Different types of Libraries. The new libraries. Agricultural and industrial sections in Libraries. Children's Libraries, etc. IV. Books in prisons, reformatories, and hospitals. V. Central Agricultural Schools created by President Calles and "The Internado de Indios". Libraries in these establishments. VI. Bibliographical printing and Literary Extension work. VII. International Coöperation. The "Lincoln Li-

brary". The American Library Association. European Coöperation. Exchange of Library students and librarians. VIII. Culture and Books: factors in strengthening international relations and union with all nations.

Speaking of the results obtained in Library work in Mexico, Señorita Bringas, who is head of the Library Department of the Ministry of Education in Mexico, said:

At the end of the year 1927, we had 1345 popular libraries, 970 school libraries, 797 industrial libraries, and 503 rural libraries, not including the distribution of sets of books made during this year. The first year following the foundation of the Library Department, 95,017 volumes were distributed. In 1927, we sent out for the branches 625,597 books. The number of readers, according to statistics, has increased from 144,960 to 12,232,870. This amount does not include the total of visitors in all Mexican Libraries, some of which have not yet sent any statistics. We have only statistics of local libraries, those in the Federal District, and the most important ones operating in the states. We are also making efforts to obtain monthly statistics reports from every public library in the country. Our main popular libraries in Mexico City have from 12,000 to 18,000 books, and the city branches from 1,000 to 2,000.

Señor Rafael Heliodoro Valle, of the Library Department, Ministry of Education, Mexico, and the editor of the useful *El Libro y el Pueblo*, in a recent paper before the Bibliographical Society of America, namely, "Bibliographical coöperation between Mexico and the United States" offers the following cogent and pertinent suggestions:

First. Two correspondent centers of bibliographical coöperation shall be established: in Mexico, the Library Department of the Secretariat of Education, and in the United States, the Library of Congress or the Pan American Union. These institutions will take charge of the regular exchange of the official publications of the two governments, as well as of the most important ones from other institutions.

Second. A bulletin announcing the latest publications, both from Mexico and the United States, and used as a reference book, should be printed at once.

Third. The establishment of an annual exhibit of Mexican books in the United States, and another one of American publishers in Mexico City is suggested.

Fourth. Statistics of books most in demand by both American and Mexican readers concerning each other's countries shall be compiled.

Fifth. The leading Mexican dailies are invited to publish a weekly bibliographical section. The foreign press agencies shall be asked to publish periodically the news on the latest American and Mexican books.

Sixth. Mexican bibliography of the nineteenth century as well as American bibliography most important to Mexico, shall be compiled.

Seventh. Mexican authors are requested to present an analytical index in their own books, and a list of the reference books that they have consulted.

Eighth. A Bibliographical Society of Mexico shall be established to draw up the regulations of the bibliographical coöperation of both countries.

Ninth. Mexican booksellers and publishers shall be invited to publish their catalogs regularly, also to distribute said catalogs through the aforementioned bibliographical clearing houses.

Tenth. A suggestion is made to both the Library of Congress and the National Mexican Library for the establishment of a fund through sale of printed cards of their respective catalogs.

Eleventh. A vote of thanks should be extended to both the Secretariat of Foreign Relations of Mexico for publishing the series of *Monografías Bibliográficas Mexicanas*, and to the *Hispanic-American Historical Review* for its practical bibliographical coöperation between Mexico and the United States.

Twelfth. The Mexican Bibliographical Year Book should be published as soon as possible.

From the Division of Education, Pan American Union, comes the compilation given below. It is entitled "A small Library for teaching Latin American History and Development", and is designed especially for the high school or elementary college course. A commendable feature of the compilation is the inclusion of the prices of the volumes cited. The compilation is as follows:

During the last few years there has been increasing recognition of the need of a better acquaintance with the Latin American republics, both because of their growing political and commercial importance, and because a knowledge of their history, so interwoven with that of the United States, is manifestly necessary for an intelligent understanding of American foreign policy. American educators are more and more realizing this, and many colleges and universities, as well as quite a number of secondary schools, now offer courses in Latin American history, one large university having over 1,700 students enrolled. It is therefore surprising to find that many of the smaller colleges and even some large institutions do not offer a single course dealing with the history of any of the Latin American nations, while giving as many as 35 on other foreign countries, including the Near and Far East, India, Russia, etc. This disproportionate emphasis can be explained by the lack of instructors equipped to teach the history of Latin America, but it can no longer be laid, as it might have been a few years ago, to the lack of good text books.

In view of the above facts, and in response to a considerable demand from teachers for helpful material, the Pan American Union has prepared a list of books forming a small and inexpensive library, which will enable an experienced history teacher to conduct an elementary course. The two books suggested as texts are generally recommended as suitable for the purpose. The list of reference works is a composite one, prepared from a large number of recommendations made by the following specialists: Professors Herbert E. Bolton, University of California; W. W. Pierson, Jr., University of North Carolina; W. S. Robertson, University of Illinois; Hutton Webster, University of Nebraska; Mary W. Wil-

liams, Goucher College. The books are listed in groups corresponding to the frequency with which they are cited.

TEXT BOOKS (alternative)

Webster, Hutton: History of Latin America. Boston, D. C. Heath and Co., 1924. 243 p., 8°, 37 illustrations, 9 plates, 29 small maps, bibliography. "An elementary book . . . for pupils in schools, colleges and the general reader."	\$ 1.64
Shepherd, William R.: Latin America. New York, Henry Holt & Co., 1914. 256 p. map, 12°, brief bibliography. Over one-half the book deals with social, economic, and cultural development.	1.00

REFERENCE WORKS

Group I—cited by 4

Calderon, F. Garcia: Latin America: Its Rise and Progress. New York, Charles Scribner's Sons, 1913. With a preface by Raymond Poincaré . . . Translated by Bernard Miall. 400 p., illus., maps. Rather abstruse for young students, but valuable for teachers, especially as giving the point of view of a Latin American scholar.	4.50
James, Herman G., and Percy A. Martin: Republics of Latin America. Their History, Governments, and Economic Conditions. New York, Harper & Bros. 1923. 533 p., map, bibliography. Contains much material on government; emphasis placed on present-day conditions.	3.00
Latané, John Holladay: The United States and Latin America. Garden City, N. Y., Doubleday, Page and Co., 1920. 346 p., 2 maps, Political relations with the United States.	2.50
Robertson, William Spence: History of the Latin American Nations. New York, D. Appleton & Co., 1924. 617 p., maps. Valuable reference work because of thorough treatment and extensive bibliographical aids.	4.00
Shepherd, William R.: Hispanic Nations of the New World. New Haven, Conn., Yale University Press, 1919. 251 p. "Chronicles of America" series. (Not obtainable apart from the rest of the series). Sketch of Latin American history during the 19th and 20th centuries.	\$14.00

Group II—cited by 3

Bryce, James: South America: Observations and Impressions. New York, The Macmillan Company, 1914. 611 p., maps. Analysis of conditions and causes by a keen student of history and politics; almost no historical material.	4.50
Warshaw, J.: The New Latin America. New York, Thomas Y. Crowell Co., 1922. 415 p., plates, map, bibliography. Present-day conditions—economic, political, social, cultural.	3.00

Group III—cited by 2

Bourne, Edward Gaylord: Spain in America: 1450-1580. New York, Harper & Bros., 1904. 350 p., maps. A scholarly treatment of the period of discovery and colonization.	2.25
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Priestley, Herbert I.: <i>The Mexican Nation, A History.</i> New York, The Macmillan Company, 1925. 507 p., illus., maps, bibliography. From earliest times to the Obregon Administration.	4.00
Stuart, Graham H.: <i>Latin America and the United States.</i> New York, The Century Company, 1922. 404 p., maps. Political relations with the United States.	3.75
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	\$10.00

TOPICAL OUTLINES AND READING LISTS

Bolton, Herbert E.: <i>The History of the Americas.</i> History 8A-8B, 1924-25. University of California, Syllabus Series, No. 168.	.75
Hoskins, H. L.: <i>Guide to Latin American History,</i> New York, D. C. Heath & Co., 1922.	1.00
Pierson, W. W.: <i>Hispanic-American History, 1826-1920,</i> Syllabus No. VII. Carnegie Endowment for International Peace, Division of Intercourse and Education, 407 West 117 Street, New York City.	.25
Williams, Mary W.: Outline for the Incidental Study of Latin American History in Secondary Schools. <i>The History Teachers' Magazine</i> (now <i>Historical Outlook</i> , Philadelphia), June, 1918. Suggestive in cases where it is not possible to introduce a course on Latin American history alone.	
To Group I of Reference Works might well be added:	
Rippy, J. Fred: <i>Latin America in World Politics.</i> An outline Survey. New York, Alfred A. Knopf, 1928. 286 p., 4 maps, index.	
Cleven, N. Andrew N.: <i>Readings in Hispanic American History.</i> Boston, Ginn & Co., 1927.	
Other titles that would fit into this scheme will occur to others. [J. A. R.]	